

108TH CONGRESS
1ST SESSION

H. R. 2691

AN ACT

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

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1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 Department of the Interior and related agencies for the
4 fiscal year ending September 30, 2004, and for other pur-
5 poses, namely:

6 TITLE I—DEPARTMENT OF THE INTERIOR

7 BUREAU OF LAND MANAGEMENT

8 MANAGEMENT OF LANDS AND RESOURCES

9 For necessary expenses for protection, use, improve-
10 ment, development, disposal, cadastral surveying, classi-
11 fication, acquisition of easements and other interests in
12 lands, and performance of other functions, including main-
13 tenance of facilities, as authorized by law, in the manage-
14 ment of lands and their resources under the jurisdiction
15 of the Bureau of Land Management, including the general
16 administration of the Bureau, and assessment of mineral
17 potential of public lands pursuant to Public Law 96–487
18 (16 U.S.C. 3150(a)), \$834,088,000, to remain available
19 until expended, of which \$1,000,000 is for high priority
20 projects, to be carried out by the Youth Conservation
21 Corps; \$2,222,000 is for assessment of the mineral poten-
22 tial of public lands in Alaska pursuant to section 1010
23 of Public Law 96–487; (16 U.S.C. 3150); and of which
24 not to exceed \$1,000,000 shall be derived from the special
25 receipt account established by the Land and Water Con-

1 servation Act of 1965, as amended (16 U.S.C. 460l–6a(i));
2 and \$3,000,000 shall be available in fiscal year 2004 sub-
3 ject to a match by at least an equal amount by the Na-
4 tional Fish and Wildlife Foundation for cost-shared
5 projects supporting conservation of Bureau lands; and
6 such funds shall be advanced to the Foundation as a lump
7 sum grant without regard to when expenses are incurred;
8 in addition, \$32,696,000 is for Mining Law Administra-
9 tion program operations, including the cost of admin-
10 istering the mining claim fee program; to remain available
11 until expended, to be reduced by amounts collected by the
12 Bureau and credited to this appropriation from annual
13 mining claim fees so as to result in a final appropriation
14 estimated at not more than \$834,088,000, and
15 \$2,000,000, to remain available until expended, from com-
16 munication site rental fees established by the Bureau for
17 the cost of administering communication site activities:
18 *Provided*, That appropriations herein made shall not be
19 available for the destruction of healthy, unadopted, wild
20 horses and burros in the care of the Bureau or its contrac-
21 tors.

22 WILDLAND FIRE MANAGEMENT

23 For necessary expenses for fire preparedness, sup-
24 pression operations, fire science and research, emergency
25 rehabilitation, hazardous fuels reduction, and rural fire as-

1 sistance by the Department of the Interior, \$698,725,000,
2 to remain available until expended, of which not to exceed
3 \$12,374,000 shall be for the renovation or construction
4 of fire facilities: *Provided*, That such funds are also avail-
5 able for repayment of advances to other appropriation ac-
6 counts from which funds were previously transferred for
7 such purposes: *Provided further*, That persons hired pur-
8 suant to 43 U.S.C. 1469 may be furnished subsistence and
9 lodging without cost from funds available from this appro-
10 priation: *Provided further*, That notwithstanding 42
11 U.S.C. 1856d, sums received by a bureau or office of the
12 Department of the Interior for fire protection rendered
13 pursuant to 42 U.S.C. 1856 et seq., protection of United
14 States property, may be credited to the appropriation from
15 which funds were expended to provide that protection, and
16 are available without fiscal year limitation: *Provided fur-*
17 *ther*, That using the amounts designated under this title
18 of this Act, the Secretary of the Interior may enter into
19 procurement contracts, grants, or cooperative agreements,
20 for hazardous fuels reduction activities, and for training
21 and monitoring associated with such hazardous fuels re-
22 duction activities, on Federal land, or on adjacent non-
23 Federal land for activities that benefit resources on Fed-
24 eral land: *Provided further*, That the costs of implementing
25 any cooperative agreement between the Federal Govern-

1 ment and any non-Federal entity may be shared, as mutu-
2 ally agreed on by the affected parties: *Provided further,*
3 That in entering into such grants or cooperative agree-
4 ments, the Secretary may consider the enhancement of
5 local and small business employment opportunities for
6 rural communities, and that in entering into procurement
7 contracts under this heading on a best value basis, the
8 Secretary may take into account the ability of an entity
9 to enhance local and small business employment opportu-
10 nities in rural communities, and that the Secretary may
11 award procurement contracts, grants, or cooperative
12 agreements under this heading to entities that include
13 local non-profit entities, Youth Conservation Corps or re-
14 lated partnerships, or small or disadvantaged businesses:
15 *Provided further,* That funds appropriated under this head
16 may be used to reimburse the United States Fish and
17 Wildlife Service and the National Marine Fisheries Service
18 for the costs of carrying out their responsibilities under
19 the Endangered Species Act of 1973 (16 U.S.C. 1531 et
20 seq.) to consult and conference, as required by section 7
21 of such Act in connection with wildland fire management
22 activities: *Provided further,* That the Secretary of the Inte-
23 rior may use wildland fire appropriations to enter into
24 non-competitive sole source leases of real property with
25 local governments, at or below fair market value, to con-

1 struct capitalized improvements for fire facilities on such
2 leased properties, including but not limited to fire guard
3 stations, retardant stations, and other initial attack and
4 fire support facilities, and to make advance payments for
5 any such lease or for construction activity associated with
6 the lease: *Provided further*, That the Secretary of the Inte-
7 rior and the Secretary of Agriculture may authorize the
8 transfer of funds appropriated for wildland fire manage-
9 ment, in an aggregate amount not to exceed \$12,000,000,
10 between the Departments when such transfers would fa-
11 cilitate and expedite jointly funded wildland fire manage-
12 ment programs and projects: *Provided further*, That funds
13 provided for wildfire suppression shall be available for sup-
14 port of Federal emergency response actions.

15 CENTRAL HAZARDOUS MATERIALS FUND

16 For necessary expenses of the Department of the In-
17 terior and any of its component offices and bureaus for
18 the remedial action, including associated activities, of haz-
19 ardous waste substances, pollutants, or contaminants pur-
20 suant to the Comprehensive Environmental Response,
21 Compensation, and Liability Act, as amended (42 U.S.C.
22 9601 et seq.), \$9,978,000, to remain available until ex-
23 pended: *Provided*, That notwithstanding 31 U.S.C. 3302,
24 sums recovered from or paid by a party in advance of or
25 as reimbursement for remedial action or response activi-

1 ties conducted by the Department pursuant to section 107
2 or 113(f) of such Act, shall be credited to this account,
3 to be available until expended without further appropria-
4 tion: *Provided further*, That such sums recovered from or
5 paid by any party are not limited to monetary payments
6 and may include stocks, bonds or other personal or real
7 property, which may be retained, liquidated, or otherwise
8 disposed of by the Secretary and which shall be credited
9 to this account.

10 CONSTRUCTION

11 For construction of buildings, recreation facilities,
12 roads, trails, and appurtenant facilities, \$10,976,000, to
13 remain available until expended.

14 LAND ACQUISITION

15 For expenses necessary to carry out sections 205,
16 206, and 318(d) of Public Law 94-579, including admin-
17 istrative expenses and acquisition of lands or waters, or
18 interests therein, \$14,000,000, to be derived from the
19 Land and Water Conservation Fund, and to remain avail-
20 able until expended.

21 OREGON AND CALIFORNIA GRANT LANDS

22 For expenses necessary for management, protection,
23 and development of resources and for construction, oper-
24 ation, and maintenance of access roads, reforestation, and
25 other improvements on the revested Oregon and California

1 Railroad grant lands, on other Federal lands in the Or-
2 egon and California land-grant counties of Oregon, and
3 on adjacent rights-of-way; and acquisition of lands or in-
4 terests therein, including existing connecting roads on or
5 adjacent to such grant lands; \$106,672,000 to remain
6 available until expended: *Provided*, That 25 percent of the
7 aggregate of all receipts during the current fiscal year
8 from the revested Oregon and California Railroad grant
9 lands is hereby made a charge against the Oregon and
10 California land-grant fund and shall be transferred to the
11 General Fund in the Treasury in accordance with the sec-
12 ond paragraph of subsection (b) of title II of the Act of
13 August 28, 1937 (50 Stat. 876).

14 FOREST ECOSYSTEMS HEALTH AND RECOVERY FUND
15 (REVOLVING FUND, SPECIAL ACCOUNT)

16 In addition to the purposes authorized in Public Law
17 102–381, funds made available in the Forest Ecosystem
18 Health and Recovery Fund can be used for the purpose
19 of planning, preparing, implementing and monitoring sal-
20 vage timber sales and forest ecosystem health and recovery
21 activities, such as release from competing vegetation and
22 density control treatments. The Federal share of receipts
23 (defined as the portion of salvage timber receipts not paid
24 to the counties under 43 U.S.C. 1181f and 43 U.S.C.
25 1181f–1 et seq., and Public Law 106–393) derived from

1 treatments funded by this account shall be deposited into
2 the Forest Ecosystem Health and Recovery Fund.

3 RANGE IMPROVEMENTS

4 For rehabilitation, protection, and acquisition of
5 lands and interests therein, and improvement of Federal
6 rangelands pursuant to section 401 of the Federal Land
7 Policy and Management Act of 1976 (43 U.S.C. 1701),
8 notwithstanding any other Act, sums equal to 50 percent
9 of all moneys received during the prior fiscal year under
10 sections 3 and 15 of the Taylor Grazing Act (43 U.S.C.
11 315 et seq.) and the amount designated for range improve-
12 ments from grazing fees and mineral leasing receipts from
13 Bankhead-Jones lands transferred to the Department of
14 the Interior pursuant to law, but not less than
15 \$10,000,000, to remain available until expended: *Pro-*
16 *vided*, That not to exceed \$600,000 shall be available for
17 administrative expenses.

18 SERVICE CHARGES, DEPOSITS, AND FORFEITURES

19 For administrative expenses and other costs related
20 to processing application documents and other authoriza-
21 tions for use and disposal of public lands and resources,
22 for costs of providing copies of official public land docu-
23 ments, for monitoring construction, operation, and termi-
24 nation of facilities in conjunction with use authorizations,
25 and for rehabilitation of damaged property, such amounts

1 as may be collected under Public Law 94–579, as amend-
2 ed, and Public Law 93–153, to remain available until ex-
3 pended: *Provided*, That notwithstanding any provision to
4 the contrary of section 305(a) of Public Law 94–579 (43
5 U.S.C. 1735(a)), any moneys that have been or will be
6 received pursuant to that section, whether as a result of
7 forfeiture, compromise, or settlement, if not appropriate
8 for refund pursuant to section 305(c) of that Act (43
9 U.S.C. 1735(c)), shall be available and may be expended
10 under the authority of this Act by the Secretary to im-
11 prove, protect, or rehabilitate any public lands adminis-
12 tered through the Bureau of Land Management which
13 have been damaged by the action of a resource developer,
14 purchaser, permittee, or any unauthorized person, without
15 regard to whether all moneys collected from each such ac-
16 tion are used on the exact lands damaged which led to
17 the action: *Provided further*, That any such moneys that
18 are in excess of amounts needed to repair damage to the
19 exact land for which funds were collected may be used to
20 repair other damaged public lands.

21 MISCELLANEOUS TRUST FUNDS

22 In addition to amounts authorized to be expended
23 under existing laws, there is hereby appropriated such
24 amounts as may be contributed under section 307 of the
25 Act of October 21, 1976 (43 U.S.C. 1701), and such

1 amounts as may be advanced for administrative costs, sur-
2 veys, appraisals, and costs of making conveyances of omit-
3 ted lands under section 211(b) of that Act, to remain
4 available until expended.

5 ADMINISTRATIVE PROVISIONS

6 Appropriations for the Bureau of Land Management
7 shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to
8 which the United States has title; up to \$100,000 for pay-
9 ments, at the discretion of the Secretary, for information
10 or evidence concerning violations of laws administered by
11 the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on her certificate,
12 not to exceed \$10,000: *Provided*, That notwithstanding 44
13 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with
14 jointly produced publications for which the cooperators
15 share the cost of printing either in cash or in services,
16 and the Bureau determines the cooperator is capable of
17 meeting accepted quality standards: *Provided further*,
18 That section 28 of title 30, United States Code, is amended:
19 (1) in section 28f(a), by striking “for years 2002

1 through 2003” and inserting in lieu thereof “for years
 2 2004 through 2008”; and (2) in section 28g, by striking
 3 “and before September 30, 2003” and inserting in lieu
 4 thereof “and before September 30, 2008”.

5 UNITED STATES FISH AND WILDLIFE SERVICE
 6 RESOURCE MANAGEMENT

7 For necessary expenses of the United States Fish and
 8 Wildlife Service, as authorized by law, and for scientific
 9 and economic studies, maintenance of the herd of long-
 10 horned cattle on the Wichita Mountains Wildlife Refuge,
 11 general administration, and for the performance of other
 12 authorized functions related to such resources by direct
 13 expenditure, contracts, grants, cooperative agreements
 14 and reimbursable agreements with public and private enti-
 15 ties, \$959,901,000, to remain available until September
 16 30, 2005, except as otherwise provided herein: *Provided*,
 17 That not less than \$2,000,000 shall be provided to local
 18 governments in southern California for planning associ-
 19 ated with the Natural Communities Conservation Plan-
 20 ning (NCCP) program and shall remain available until ex-
 21 pended: *Provided further*, That \$2,000,000 is for high pri-
 22 ority projects, which shall be carried out by the Youth
 23 Conservation Corps: *Provided further*, That not to exceed
 24 \$12,286,000 shall be used for implementing subsections
 25 (a), (b), (c), and (e) of section 4 of the Endangered Spe-

1 cies Act, as amended, for species that are indigenous to
2 the United States (except for processing petitions, devel-
3 oping and issuing proposed and final regulations, and tak-
4 ing any other steps to implement actions described in sub-
5 section (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)), of which
6 not to exceed \$8,900,000 shall be used for any activity
7 regarding the designation of critical habitat, pursuant to
8 subsection (a)(3), excluding litigation support, for species
9 already listed pursuant to subsection (a)(1) as of the date
10 of enactment this Act: *Provided further*, That of the
11 amount available for law enforcement, up to \$400,000 to
12 remain available until expended, may at the discretion of
13 the Secretary be used for payment for information, re-
14 wards, or evidence concerning violations of laws adminis-
15 tered by the Service, and miscellaneous and emergency ex-
16 penses of enforcement activity, authorized or approved by
17 the Secretary and to be accounted for solely on her certifi-
18 cate: *Provided further*, That of the amount provided for
19 environmental contaminants, up to \$1,000,000 may re-
20 main available until expended for contaminant sample
21 analyses.

22 CONSTRUCTION

23 For construction, improvement, acquisition, or re-
24 moval of buildings and other facilities required in the con-
25 servation, management, investigation, protection, and uti-

1 lization of fishery and wildlife resources, and the acquisi-
2 tion of lands and interests therein; \$52,718,000, to remain
3 available until expended.

4 LAND ACQUISITION

5 For expenses necessary to carry out the Land and
6 Water Conservation Fund Act of 1965, as amended (16
7 U.S.C. 460l-4 through 11), including administrative ex-
8 penses, and for acquisition of land or waters, or interest
9 therein, in accordance with statutory authority applicable
10 to the United States Fish and Wildlife Service,
11 \$23,058,000, to be derived from the Land and Water Con-
12 servation Fund, and to remain available until expended:
13 *Provided*, That none of the funds appropriated for specific
14 land acquisition projects can be used to pay for any ad-
15 ministrative overhead, planning or other management
16 costs.

17 LANDOWNER INCENTIVE PROGRAM

18 For expenses necessary to carry out the Land and
19 Water Conservation Fund Act of 1965, as amended (16
20 U.S.C. 460l-4 through 11), including administrative ex-
21 penses, and for private conservation efforts to be carried
22 out on private lands, \$40,000,000, to be derived from the
23 Land and Water Conservation Fund, and to remain avail-
24 able until expended: *Provided*, That the amount provided
25 herein is for a Landowner Incentive Program established

1 by the Secretary that provides matching, competitively
2 awarded grants to States, the District of Columbia,
3 Tribes, Puerto Rico, Guam, the United States Virgin Is-
4 lands, the Northern Mariana Islands, and American
5 Samoa, to establish or supplement existing landowner in-
6 centive programs that provide technical and financial as-
7 sistance, including habitat protection and restoration, to
8 private landowners for the protection and management of
9 habitat to benefit federally listed, proposed, candidate, or
10 other at-risk species on private lands.

11 STEWARDSHIP GRANTS

12 For expenses necessary to carry out the Land and
13 Water Conservation Fund Act of 1965, as amended (16
14 U.S.C. 460l–4 through 11), including administrative ex-
15 penses, and for private conservation efforts to be carried
16 out on private lands, \$10,000,000, to be derived from the
17 Land and Water Conservation Fund, and to remain avail-
18 able until expended: *Provided*, That the amount provided
19 herein is for a Stewardship Grants Program established
20 by the Secretary to provide grants and other assistance
21 to individuals and groups engaged in private conservation
22 efforts that benefit federally listed, proposed, candidate,
23 or other at-risk species.

1 COOPERATIVE ENDANGERED SPECIES CONSERVATION

2 FUND

3 For expenses necessary to carry out section 6 of the
4 Endangered Species Act of 1973 (16 U.S.C. 1531–1543),
5 as amended, \$86,614,000, of which \$36,614,000 is to be
6 derived from the Cooperative Endangered Species Con-
7 servation Fund and \$50,000,000 is to be derived from the
8 Land and Water Conservation Fund and to remain avail-
9 able until expended.

10 NATIONAL WILDLIFE REFUGE FUND

11 For expenses necessary to implement the Act of Octo-
12 ber 17, 1978 (16 U.S.C. 715s), \$14,414,000.

13 NORTH AMERICAN WETLANDS CONSERVATION FUND

14 For expenses necessary to carry out the provisions
15 of the North American Wetlands Conservation Act, Public
16 Law 101–233, as amended, \$24,560,000, to remain avail-
17 able until expended.

18 NEOTROPICAL MIGRATORY BIRD CONSERVATION

19 For financial assistance for projects to promote the
20 conservation of neotropical migratory birds in accordance
21 with the Neotropical Migratory Bird Conservation Act,
22 Public Law 106–247 (16 U.S.C. 6101–6109), \$5,000,000,
23 to remain available until expended.

MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), the Asian Elephant Conservation Act of 1997 (Public Law 105–96; 16 U.S.C. 4261–4266), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301–5306), and the Great Ape Conservation Act of 2000 (16 U.S.C. 6301), \$5,000,000, to remain available until expended.

STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and federally recognized Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$75,000,000 to be derived from the Land and Water Conservation Fund, and to remain available until expended: *Provided*, That of the amount provided herein, \$6,000,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: *Provided further*, That the Secretary shall, after deducting said \$6,000,000 and adminis-

1 trative expenses, apportion the amount provided herein in
2 the following manner: (A) to the District of Columbia and
3 to the Commonwealth of Puerto Rico, each a sum equal
4 to not more than one-half of 1 percent thereof; and (B)
5 to Guam, American Samoa, the United States Virgin Is-
6 lands, and the Commonwealth of the Northern Mariana
7 Islands, each a sum equal to not more than one-fourth
8 of 1 percent thereof: *Provided further*, That the Secretary
9 shall apportion the remaining amount in the following
10 manner: (A) one-third of which is based on the ratio to
11 which the land area of such State bears to the total land
12 area of all such States; and (B) two-thirds of which is
13 based on the ratio to which the population of such State
14 bears to the total population of all such States: *Provided*
15 *further*, That the amounts apportioned under this para-
16 graph shall be adjusted equitably so that no State shall
17 be apportioned a sum which is less than 1 percent of the
18 amount available for apportionment under this paragraph
19 for any fiscal year or more than 5 percent of such amount:
20 *Provided further*, That the Federal share of planning
21 grants shall not exceed 75 percent of the total costs of
22 such projects and the Federal share of implementation
23 grants shall not exceed 50 percent of the total costs of
24 such projects: *Provided further*, That the non-Federal
25 share of such projects may not be derived from Federal

1 grant programs: *Provided further*, That no State, territory,
 2 or other jurisdiction shall receive a grant unless it has de-
 3 veloped, or committed to develop by October 1, 2005, a
 4 comprehensive wildlife conservation plan, consistent with
 5 criteria established by the Secretary of the Interior, that
 6 considers the broad range of the State, territory, or other
 7 jurisdiction's wildlife and associated habitats, with appro-
 8 priate priority placed on those species with the greatest
 9 conservation need and taking into consideration the rel-
 10 ative level of funding available for the conservation of
 11 those species: *Provided further*, That any amount appor-
 12 tioned in 2004 to any State, territory, or other jurisdiction
 13 that remains unobligated as of September 30, 2005, shall
 14 be reapportioned, together with funds appropriated in
 15 2006, in the manner provided herein: *Provided further*,
 16 That balances from amounts previously appropriated
 17 under the heading "State Wildlife Grants" shall be trans-
 18 ferred to and merged with this appropriation and shall re-
 19 main available until expended.

20 ADMINISTRATIVE PROVISIONS

21 Appropriations and funds available to the United
 22 States Fish and Wildlife Service shall be available for pur-
 23 chase of not to exceed 157 passenger motor vehicles, of
 24 which 142 are for replacement only (including 33 for po-
 25 lice-type use); repair of damage to public roads within and

1 adjacent to reservation areas caused by operations of the
2 Service; options for the purchase of land at not to exceed
3 \$1 for each option; facilities incident to such public rec-
4 reational uses on conservation areas as are consistent with
5 their primary purpose; and the maintenance and improve-
6 ment of aquaria, buildings, and other facilities under the
7 jurisdiction of the Service and to which the United States
8 has title, and which are used pursuant to law in connection
9 with management, and investigation of fish and wildlife
10 resources: *Provided*, That notwithstanding 44 U.S.C. 501,
11 the Service may, under cooperative cost sharing and part-
12 nership arrangements authorized by law, procure printing
13 services from cooperators in connection with jointly pro-
14 duced publications for which the cooperators share at least
15 one-half the cost of printing either in cash or services and
16 the Service determines the cooperator is capable of meet-
17 ing accepted quality standards: *Provided further*, That the
18 Service may accept donated aircraft as replacements for
19 existing aircraft: *Provided further*, That notwithstanding
20 any other provision of law, the Secretary of the Interior
21 may not spend any of the funds appropriated in this Act
22 for the purchase of lands or interests in lands to be used
23 in the establishment of any new unit of the National Wild-
24 life Refuge System unless the purchase is approved in ad-
25 vance by the House and Senate Committees on Appropria-

tions in compliance with the reprogramming procedures contained in the House Report accompanying this Act.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, \$1,636,882,000 (reduced by \$6,000,000) of which \$10,887,000 is for planning and interagency coordination in support of Everglades restoration and shall remain available until expended; of which \$98,480,000, to remain available until September 30, 2005, is for maintenance, repair or rehabilitation projects for constructed assets, operation of the National Park Service automated facility management software system, and comprehensive facility condition assessments; and of which \$2,000,000 is for the Youth Conservation Corps for high priority projects: *Provided*, That the only funds in this account which may be made available to support United States Park Police are those funds approved for emergency law and order incidents pursuant to established National Park Service procedures, those funds needed to maintain and repair United States Park Police adminis-

1 trative facilities, and those funds necessary to reimburse
2 the United States Park Police account for the unbudgeted
3 overtime and travel costs associated with special events for
4 an amount not to exceed \$10,000 per event subject to the
5 review and concurrence of the Washington headquarters
6 office.

7 UNITED STATES PARK POLICE

8 For expenses necessary to carry out the programs of
9 the United States Park Police, \$78,859,000.

10 NATIONAL RECREATION AND PRESERVATION

11 For expenses necessary to carry out recreation pro-
12 grams, natural programs, cultural programs, heritage
13 partnership programs, environmental compliance and re-
14 view, international park affairs, statutory or contractual
15 aid for other activities, and grant administration, not oth-
16 erwise provided for, \$54,924,000: *Provided*, That none of
17 the funds in this or previous Acts for the Rivers, Trails
18 and Conservation Assistance Program may be used for co-
19 operative agreements or any other form of cash grant.

20 URBAN PARK AND RECREATION FUND

21 For expenses necessary to carry out the provisions
22 of the Urban Park and Recreation Recovery Act of 1978
23 (16 U.S.C. 2501 et seq.), \$305,000, to remain available
24 until expended.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the Historic Preservation Act of 1966, as amended (16 U.S.C. 470), and the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333), \$71,000,000, to be derived from the Historic Preservation Fund, to remain available until September 30, 2005: *Provided*, That of the total amount provided, \$30,000,000 shall be for Save America’s Treasures for priority preservation projects, of nationally significant sites, structures, and artifacts: *Provided further*, That any individual Save America’s Treasures grant shall be matched by non-Federal funds: *Provided further*, That individual projects shall only be eligible for one grant, and all projects to be funded shall be approved by the House and Senate Committees on Appropriations and the Secretary of the Interior in consultation with the President’s Committee on the Arts and Humanities prior to the commitment of grant funds: *Provided further*, That Save America’s Treasures funds allocated for Federal projects shall be available by transfer to appropriate accounts of individual agencies, after approval of such projects by the Secretary of the Interior, in consultation with the House and Senate Committees on Appropriations and the President’s Committee on the Arts and Humanities.

CONSTRUCTION

1

2 For construction, improvements, repair or replace-
3 ment of physical facilities, including the modifications au-
4 thorized by section 104 of the Everglades National Park
5 Protection and Expansion Act of 1989, \$303,199,000, to
6 remain available until expended: *Provided*, That none of
7 the funds in this or any other Act, may be used to pay
8 the salaries and expenses of more than 160 Full Time
9 Equivalent personnel working for the National Park Serv-
10 ice's Denver Service Center funded under the construction
11 program management and operations activity: *Provided*
12 *further*, That none of the funds provided in this or any
13 other Act may be used to pre-design, plan, or construct
14 any new facility (including visitor centers, curatorial facili-
15 ties, administrative buildings), for which appropriations
16 have not been specifically provided if the net construction
17 cost of such facility is in excess of \$5,000,000, without
18 prior approval of the House and Senate Committees on
19 Appropriations: *Provided further*, That this restriction ap-
20 plies to all funds available to the National Park Service,
21 including partnership and fee demonstration projects: *Pro-*
22 *vided further*, That funds appropriated in this Act and in
23 any prior Acts for the purpose of implementing the Modi-
24 fied Water Deliveries to Everglades National Park Project
25 shall be available for expenditure unless the Secretary of

1 the Interior, the Secretary of the Army, the Administrator
2 of the Environmental Protection Agency, and the Attorney
3 General file a joint report by September 30, 2003, and
4 each year thereafter until December 31, 2006, to the
5 House and Senate Committees on Appropriations, the
6 House Committee on Transportation and Infrastructure,
7 the House Committee on Resources and the Senate Com-
8 mittee on Environment and Public Works, indicating that
9 the water entering A.R.M. Loxahatchee National Wildlife
10 Refuge and Everglades National Park does not meet all
11 applicable State water quality standards and numeric cri-
12 teria adopted for phosphorus throughout A.R.M.
13 Loxahatchee National Wildlife Refuge and Everglades Na-
14 tional Park, as well as water quality requirements set
15 forth in the Consent Decree entered in *United States v.*
16 *South Florida Water Management District*, and that the
17 House and Senate Committees on Appropriations respond
18 in writing disapproving the further expenditure of funds.

19 LAND AND WATER CONSERVATION FUND

20 (RESCISSION)

21 The contract authority provided for fiscal year 2004
22 by 16 U.S.C. 4601–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

(INCLUDING TRANSFERS OF FUNDS)

For expenses necessary to carry out the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l-4 through 11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$131,154,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$97,500,000 is for the State assistance program including \$2,500,000 to administer this program: *Provided*, That none of the funds provided for the State assistance program may be used to establish a contingency fund: *Provided further*, That notwithstanding any other provision of law, the Secretary of the Interior, using prior year unobligated funds made available under any Act enacted before the date of enactment of this Act for land acquisition assistance to the State of Florida for the acquisition of lands or water, or interests therein, within the Everglades watershed, shall transfer \$5,000,000 to the United States Fish and Wildlife Service “Resource Management” account for the purpose of funding water quality monitoring and eradication of invasive exotic plants at A.R.M. Loxahatchee National Wildlife Refuge, as well as recovery actions for any listed

1 species in the South Florida ecosystem, and may transfer
2 such sums as may be determined necessary by the Sec-
3 retary of the Interior to the U.S. Army Corps of Engineers
4 “Construction, General” account for the purpose of modi-
5 fying the construction of Storm Water Treatment Area 1
6 East to include additional water quality improvement
7 measures, such as additional compartmentalization, im-
8 proved flow control, vegetation management, and other ad-
9 ditional technologies based upon the recommendations of
10 the Secretary of the Interior and the South Florida Water
11 Management District, to maximize the treatment effective-
12 ness of Storm Water Treatment Area 1 East so that water
13 delivered by Storm Water Treatment Area 1 East to
14 A.R.M. Loxahatchee National Wildlife Refuge achieves
15 State water quality standards, including the numeric cri-
16 terion for phosphorus, and that the cost sharing provisions
17 of section 528 of the Water Resources Development Act
18 of 1996 (110 Stat. 3769) shall apply to any funds pro-
19 vided by the Secretary of the Interior to the U.S. Army
20 Corps of Engineers for this purpose: *Provided further,*
21 That, subsequent to the transfer of the \$5,000,000 to the
22 U.S. Fish and Wildlife Service and the transfer of funds,
23 if any, to the U.S. Army Corps of Engineers to carry out
24 water quality improvement measures for Storm Water
25 Treatment Area 1 East, if any funds remain to be ex-

1 pended after the requirements of these provisions have
2 been met, then the Secretary of the Interior may transfer,
3 as appropriate, and use the remaining funds for Ever-
4 glades restoration activities benefiting the lands and re-
5 sources managed by the Department of the Interior in
6 South Florida, subject to the approval by the House and
7 Senate Committees on Appropriations of a reprogramming
8 request by the Secretary detailing how the remaining
9 funds will be expended for this purpose.

10 ADMINISTRATIVE PROVISIONS

11 Appropriations for the National Park Service shall be
12 available for the purchase of not to exceed 249 passenger
13 motor vehicles, of which 202 shall be for replacement only,
14 including not to exceed 193 for police-type use, 10 buses,
15 and 8 ambulances: *Provided*, That none of the funds ap-
16 propriated to the National Park Service may be used to
17 process any grant or contract documents which do not in-
18 clude the text of 18 U.S.C. 1913: *Provided further*, That
19 none of the funds appropriated to the National Park Serv-
20 ice may be used to implement an agreement for the rede-
21 velopment of the southern end of Ellis Island until such
22 agreement has been submitted to the Congress and shall
23 not be implemented prior to the expiration of 30 calendar
24 days (not including any day in which either House of Con-
25 gress is not in session because of adjournment of more

1 than 3 calendar days to a day certain) from the receipt
2 by the Speaker of the House of Representatives and the
3 President of the Senate of a full and comprehensive report
4 on the development of the southern end of Ellis Island,
5 including the facts and circumstances relied upon in sup-
6 port of the proposed project.

7 None of the funds in this Act may be spent by the
8 National Park Service for activities taken in direct re-
9 sponse to the United Nations Biodiversity Convention.

10 The National Park Service may distribute to oper-
11 ating units based on the safety record of each unit the
12 costs of programs designed to improve workplace and em-
13 ployee safety, and to encourage employees receiving work-
14 ers' compensation benefits pursuant to chapter 81 of title
15 5, United States Code, to return to appropriate positions
16 for which they are medically able.

17 UNITED STATES GEOLOGICAL SURVEY

18 SURVEYS, INVESTIGATIONS, AND RESEARCH

19 For expenses necessary for the United States Geo-
20 logical Survey to perform surveys, investigations, and re-
21 search covering topography, geology, hydrology, biology,
22 and the mineral and water resources of the United States,
23 its territories and possessions, and other areas as author-
24 ized by 43 U.S.C. 31, 1332, and 1340; classify lands as
25 to their mineral and water resources; give engineering su-

1 pervision to power permittees and Federal Energy Regu-
2 latory Commission licensees; administer the minerals ex-
3 ploration program (30 U.S.C. 641); and publish and dis-
4 seminate data relative to the foregoing activities; and to
5 conduct inquiries into the economic conditions affecting
6 mining and materials processing industries (30 U.S.C. 3,
7 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes
8 as authorized by law and to publish and disseminate data;
9 \$935,660,000, of which \$64,536,000 shall be available
10 only for cooperation with States or municipalities for
11 water resources investigations; and of which \$15,227,000
12 shall remain available until expended for conducting in-
13 quires into the economic conditions affecting mining and
14 materials processing industries; and of which \$8,000,000
15 shall remain available until expended for satellite oper-
16 ations; and of which \$24,190,000 shall be available until
17 September 30, 2005, for the operation and maintenance
18 of facilities and deferred maintenance; and of which
19 \$173,349,000 shall be available until September 30, 2005,
20 for the biological research activity and the operation of
21 the Cooperative Research Units: *Provided*, That none of
22 these funds provided for the biological research activity
23 shall be used to conduct new surveys on private property,
24 unless specifically authorized in writing by the property
25 owner: *Provided further*, That no part of this appropria-

tion shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for the purchase of not to exceed 53 passenger motor vehicles, of which 48 are for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302 et seq.: *Provided further*, That notwithstanding the provisions of the

1 Federal Grant and Cooperative Agreement Act of 1977
2 (31 U.S.C. 6301–6308), the U.S. Geological Survey is au-
3 thorized to continue existing, and hereafter, to enter into
4 new cooperative agreements directed towards a particular
5 cooperator, in support of joint research and data collection
6 activities with Federal, State, and academic partners
7 funded by appropriations herein, including those that pro-
8 vide for space in cooperator facilities.

9 MINERALS MANAGEMENT SERVICE

10 ROYALTY AND OFFSHORE MINERALS MANAGEMENT

11 For expenses necessary for minerals leasing and envi-
12 ronmental studies, regulation of industry operations, and
13 collection of royalties, as authorized by law; for enforcing
14 laws and regulations applicable to oil, gas, and other min-
15 erals leases, permits, licenses and operating contracts; and
16 for matching grants or cooperative agreements; including
17 the purchase of not to exceed eight passenger motor vehi-
18 cles for replacement only, \$164,216,000, of which
19 \$80,396,000, shall be available for royalty management
20 activities; and an amount not to exceed \$100,230,000, to
21 be credited to this appropriation and to remain available
22 until expended, from additions to receipts resulting from
23 increases to rates in effect on August 5, 1993, from rate
24 increases to fee collections for Outer Continental Shelf ad-
25 ministrative activities performed by the Minerals Manage-

1 ment Service (MMS) over and above the rates in effect
2 on September 30, 1993, and from additional fees for
3 Outer Continental Shelf administrative activities estab-
4 lished after September 30, 1993: *Provided*, That to the
5 extent \$100,230,000 in additions to receipts are not real-
6 ized from the sources of receipts stated above, the amount
7 needed to reach \$100,230,000 shall be credited to this ap-
8 propriation from receipts resulting from rental rates for
9 Outer Continental Shelf leases in effect before August 5,
10 1993: *Provided further*, That \$3,000,000 for computer ac-
11 quisitions shall remain available until September 30,
12 2005: *Provided further*, That funds appropriated under
13 this Act shall be available for the payment of interest in
14 accordance with 30 U.S.C. 1721(b) and (d): *Provided fur-*
15 *ther*, That not to exceed \$3,000 shall be available for rea-
16 sonable expenses related to promoting volunteer beach and
17 marine cleanup activities: *Provided further*, That notwith-
18 standing any other provision of law, \$15,000 under this
19 heading shall be available for refunds of overpayments in
20 connection with certain Indian leases in which the Direc-
21 tor of MMS concurred with the claimed refund due, to
22 pay amounts owed to Indian allottees or tribes, or to cor-
23 rect prior unrecoverable erroneous payments: *Provided*
24 *further*, That MMS may under the royalty-in-kind pilot
25 program, or under its authority to transfer oil to the Stra-

1 tegic Petroleum Reserve, use a portion of the revenues
 2 from royalty-in-kind sales, without regard to fiscal year
 3 limitation, to pay for transportation to wholesale market
 4 centers or upstream pooling points, *and* to process or oth-
 5 erwise dispose of royalty production taken in kind, and
 6 to recover MMS transportation costs, salaries, and other
 7 administrative costs directly related to filling the Strategic
 8 Petroleum Reserve: *Provided further*, That MMS shall
 9 analyze and document the expected return in advance of
 10 any royalty-in-kind sales to assure to the maximum extent
 11 practicable that royalty income under the pilot program
 12 is equal to or greater than royalty income recognized
 13 under a comparable royalty-in-value program.

14 OIL SPILL RESEARCH

15 For necessary expenses to carry out title I, section
 16 1016, title IV, sections 4202 and 4303, title VII, and title
 17 VIII, section 8201 of the Oil Pollution Act of 1990,
 18 \$7,105,000, which shall be derived from the Oil Spill Li-
 19 ability Trust Fund, to remain available until expended.

20 OFFICE OF SURFACE MINING RECLAMATION AND

21 ENFORCEMENT

22 REGULATION AND TECHNOLOGY

23 For necessary expenses to carry out the provisions
 24 of the Surface Mining Control and Reclamation Act of
 25 1977, Public Law 95–87, as amended, including the pur-

1 chase of not to exceed 10 passenger motor vehicles, for
2 replacement only; \$106,424,000: *Provided*, That the Sec-
3 retary of the Interior, pursuant to regulations, may use
4 directly or through grants to States, moneys collected in
5 fiscal year 2004 for civil penalties assessed under section
6 518 of the Surface Mining Control and Reclamation Act
7 of 1977 (30 U.S.C. 1268), to reclaim lands adversely af-
8 fected by coal mining practices after August 3, 1977, to
9 remain available until expended: *Provided further*, That
10 appropriations for the Office of Surface Mining Reclama-
11 tion and Enforcement may provide for the travel and per
12 diem expenses of State and tribal personnel attending Of-
13 fice of Surface Mining Reclamation and Enforcement
14 sponsored training.

15 ABANDONED MINE RECLAMATION FUND

16 For necessary expenses to carry out title IV of the
17 Surface Mining Control and Reclamation Act of 1977,
18 Public Law 95–87, as amended, including the purchase
19 of not more than 10 passenger motor vehicles for replace-
20 ment only, \$194,469,000, to be derived from receipts of
21 the Abandoned Mine Reclamation Fund and to remain
22 available until expended; of which up to \$10,000,000, to
23 be derived from the Federal Expenses Share of the Fund,
24 shall be for supplemental grants to States for the reclama-
25 tion of abandoned sites with acid mine rock drainage from

1 coal mines, and for associated activities, through the Ap-
2 palachian Clean Streams Initiative: *Provided*, That grants
3 to minimum program States will be \$1,500,000 per State
4 in fiscal year 2004: *Provided further*, That of the funds
5 herein provided up to \$18,000,000 may be used for the
6 emergency program authorized by section 410 of Public
7 Law 95–87, as amended, of which no more than 25 per-
8 cent shall be used for emergency reclamation projects in
9 any one State and funds for federally administered emer-
10 gency reclamation projects under this proviso shall not ex-
11 ceed \$11,000,000: *Provided further*, That prior year unob-
12 ligated funds appropriated for the emergency reclamation
13 program shall not be subject to the 25 percent limitation
14 per State and may be used without fiscal year limitation
15 for emergency projects: *Provided further*, That pursuant
16 to Public Law 97–365, the Department of the Interior is
17 authorized to use up to 20 percent from the recovery of
18 the delinquent debt owed to the United States Government
19 to pay for contracts to collect these debts: *Provided fur-*
20 *ther*, That funds made available under title IV of Public
21 Law 95–87 may be used for any required non-Federal
22 share of the cost of projects funded by the Federal Gov-
23 ernment for the purpose of environmental restoration re-
24 lated to treatment or abatement of acid mine drainage
25 from abandoned mines: *Provided further*, That such

1 projects must be consistent with the purposes and prior-
2 ities of the Surface Mining Control and Reclamation Act.

3 BUREAU OF INDIAN AFFAIRS

4 OPERATION OF INDIAN PROGRAMS

5 For expenses necessary for the operation of Indian
6 programs, as authorized by law, including the Snyder Act
7 of November 2, 1921 (25 U.S.C. 13), the Indian Self-De-
8 termination and Education Assistance Act of 1975 (25
9 U.S.C. 450 et seq.), as amended, the Education Amend-
10 ments of 1978 (25 U.S.C. 2001–2019), and the Tribally
11 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.),
12 as amended, \$1,902,106,000, to remain available until
13 September 30, 2005 except as otherwise provided herein,
14 of which not to exceed \$85,925,000 shall be for welfare
15 assistance payments and notwithstanding any other provi-
16 sion of law, including but not limited to the Indian Self-
17 Determination Act of 1975, as amended, not to exceed
18 \$135,315,000 shall be available for payments to tribes and
19 tribal organizations for contract support costs associated
20 with ongoing contracts, grants, compacts, or annual fund-
21 ing agreements entered into with the Bureau prior to or
22 during fiscal year 2004, as authorized by such Act, except
23 that tribes and tribal organizations may use their tribal
24 priority allocations for unmet indirect costs of ongoing
25 contracts, grants, or compacts, or annual funding agree-

1 ments and for unmet welfare assistance costs; and of
2 which not to exceed \$458,524,000 for school operations
3 costs of Bureau-funded schools and other education pro-
4 grams shall become available on July 1, 2004, and shall
5 remain available until September 30, 2005; and of which
6 not to exceed \$55,374,000 shall remain available until ex-
7 pended for housing improvement, road maintenance, at-
8 torney fees, litigation support, the Indian Self-Determina-
9 tion Fund, land records improvement, and the Navajo-
10 Hopi Settlement Program: *Provided*, That notwith-
11 standing any other provision of law, including but not lim-
12 ited to the Indian Self-Determination Act of 1975, as
13 amended, and 25 U.S.C. 2008, not to exceed \$49,297,000
14 within and only from such amounts made available for
15 school operations shall be available to tribes and tribal or-
16 ganizations for administrative cost grants associated with
17 ongoing grants entered into with the Bureau prior to or
18 during fiscal year 2003 for the operation of Bureau-fund-
19 ed schools, and up to \$3,000,000 within and only from
20 such amounts made available for school operations shall
21 be available for the transitional costs of initial administra-
22 tive cost grants to tribes and tribal organizations that
23 enter into grants for the operation on or after July 1,
24 2004 of Bureau-operated schools: *Provided further*, That
25 any forestry funds allocated to a tribe which remain unob-

1 ligated as of September 30, 2005, may be transferred dur-
2 ing fiscal year 2006 to an Indian forest land assistance
3 account established for the benefit of such tribe within the
4 tribe's trust fund account: *Provided further*, That any such
5 unobligated balances not so transferred shall expire on
6 September 30, 2006.

7 CONSTRUCTION

8 For construction, repair, improvement, and mainte-
9 nance of irrigation and power systems, buildings, utilities,
10 and other facilities, including architectural and engineer-
11 ing services by contract; acquisition of lands, and interests
12 in lands; and preparation of lands for farming, and for
13 construction of the Navajo Indian Irrigation Project pur-
14 suant to Public Law 87-483, \$345,154,000, to remain
15 available until expended: *Provided*, That such amounts as
16 may be available for the construction of the Navajo Indian
17 Irrigation Project may be transferred to the Bureau of
18 Reclamation: *Provided further*, That not to exceed 6 per-
19 cent of contract authority available to the Bureau of In-
20 dian Affairs from the Federal Highway Trust Fund may
21 be used to cover the road program management costs of
22 the Bureau: *Provided further*, That any funds provided for
23 the Safety of Dams program pursuant to 25 U.S.C. 13
24 shall be made available on a nonreimbursable basis: *Pro-*
25 *vided further*, That for fiscal year 2004, in implementing

1 new construction or facilities improvement and repair
2 project grants in excess of \$100,000 that are provided to
3 tribally controlled grant schools under Public Law 100–
4 297, as amended, the Secretary of the Interior shall use
5 the Administrative and Audit Requirements and Cost
6 Principles for Assistance Programs contained in 43 CFR
7 part 12 as the regulatory requirements: *Provided further*,
8 That such grants shall not be subject to section 12.61 of
9 43 CFR; the Secretary and the grantee shall negotiate and
10 determine a schedule of payments for the work to be per-
11 formed: *Provided further*, That in considering applications,
12 the Secretary shall consider whether the Indian tribe or
13 tribal organization would be deficient in assuring that the
14 construction projects conform to applicable building stand-
15 ards and codes and Federal, tribal, or State health and
16 safety standards as required by 25 U.S.C. 2005(a), with
17 respect to organizational and financial management capa-
18 bilities: *Provided further*, That if the Secretary declines an
19 application, the Secretary shall follow the requirements
20 contained in 25 U.S.C. 2505(f): *Provided further*, That
21 any disputes between the Secretary and any grantee con-
22 cerning a grant shall be subject to the disputes provision
23 in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND
MISCELLANEOUS PAYMENTS TO INDIANS
(INCLUDING TRANSFER OF FUNDS)

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, \$60,551,000, to remain available until expended; of which \$31,610,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 101–618, 107–331, and 102–575, and for implementation of other enacted water rights settlements; and of which \$18,817,000 shall be available pursuant to Public Laws 99–264, 100–580, 106–425, and 106–554; and of which \$9,968,000 shall be available for payment to the Quinault Indian Nation pursuant to the terms of the North Boundary Settlement Agreement dated July 14, 2000, providing for the acquisition of perpetual conservation easements from the Nation: *Provided*, That of the payment to the Quinault Indian Nation, \$4,968,000 shall be derived from amounts provided under the heading “United States Fish and Wildlife Service, Land Acquisition” in Public Law 108–7.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed and insured loans, \$5,797,000, as authorized by the Indian Financing Act of 1974, as amended: *Provided*, That such costs, including

1 the cost of modifying such loans, shall be as defined in
2 section 502 of the Congressional Budget Act of 1974: *Pro-*
3 *vided further*, That these funds are available to subsidize
4 total loan principal, any part of which is to be guaranteed,
5 not to exceed \$94,568,000.

6 In addition, for administrative expenses to carry out
7 the guaranteed and insured loan programs, \$700,000.

8 ADMINISTRATIVE PROVISIONS

9 The Bureau of Indian Affairs may carry out the oper-
10 ation of Indian programs by direct expenditure, contracts,
11 cooperative agreements, compacts and grants, either di-
12 rectly or in cooperation with States and other organiza-
13 tions.

14 Notwithstanding 25 U.S.C. 15, the Bureau of Indian
15 Affairs may contract for services in support of the man-
16 agement, operation, and maintenance of the Power Divi-
17 sion of the San Carlos Irrigation Project.

18 Appropriations for the Bureau of Indian Affairs (ex-
19 cept the revolving fund for loans, the Indian loan guar-
20 antee and insurance fund, and the Indian Guaranteed
21 Loan Program account) shall be available for expenses of
22 exhibits, and purchase of not to exceed 229 passenger
23 motor vehicles, of which not to exceed 187 shall be for
24 replacement only.

1 Notwithstanding any other provision of law, no funds
2 available to the Bureau of Indian Affairs for central office
3 operations, or pooled overhead general administration (ex-
4 cept facilities operations and maintenance) shall be avail-
5 able for tribal contracts, grants, compacts, or cooperative
6 agreements with the Bureau of Indian Affairs under the
7 provisions of the Indian Self-Determination Act or the
8 Tribal Self-Governance Act of 1994 (Public Law 103–
9 413).

10 In the event any tribe returns appropriations made
11 available by this Act to the Bureau of Indian Affairs for
12 distribution to other tribes, this action shall not diminish
13 the Federal Government’s trust responsibility to that
14 tribe, or the government-to-government relationship be-
15 tween the United States and that tribe, or that tribe’s abil-
16 ity to access future appropriations.

17 Notwithstanding any other provision of law, no funds
18 available to the Bureau, other than the amounts provided
19 herein for assistance to public schools under 25 U.S.C.
20 452 et seq., shall be available to support the operation of
21 any elementary or secondary school in the State of Alaska.

22 Appropriations made available in this or any other
23 Act for schools funded by the Bureau shall be available
24 only to the schools in the Bureau school system as of Sep-
25 tember 1, 1996. No funds available to the Bureau shall

1 be used to support expanded grades for any school or dor-
2 mitory beyond the grade structure in place or approved
3 by the Secretary of the Interior at each school in the Bu-
4 reau school system as of October 1, 1995. Funds made
5 available under this Act may not be used to establish a
6 charter school at a Bureau-funded school (as that term
7 is defined in section 1146 of the Education Amendments
8 of 1978 (25 U.S.C. 2026)), except that a charter school
9 that is in existence on the date of the enactment of this
10 Act and that has operated at a Bureau-funded school be-
11 fore September 1, 1999, may continue to operate during
12 that period, but only if the charter school pays to the Bu-
13 reau a pro rata share of funds to reimburse the Bureau
14 for the use of the real and personal property (including
15 buses and vans), the funds of the charter school are kept
16 separate and apart from Bureau funds, and the Bureau
17 does not assume any obligation for charter school pro-
18 grams of the State in which the school is located if the
19 charter school loses such funding. Employees of Bureau-
20 funded schools sharing a campus with a charter school and
21 performing functions related to the charter school's oper-
22 ation and employees of a charter school shall not be treat-
23 ed as Federal employees for purposes of chapter 171 of
24 title 28, United States Code.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, \$74,343,000, of which: (1) \$68,022,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, coral reef initiative activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$6,321,000 shall be available for salaries and expenses of the Office of Insular Affairs: *Provided*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the General Accounting Office, at its discretion,

1 in accordance with chapter 35 of title 31, United States
2 Code: *Provided further*, That Northern Mariana Islands
3 Covenant grant funding shall be provided according to
4 those terms of the Agreement of the Special Representa-
5 tives on Future United States Financial Assistance for the
6 Northern Mariana Islands approved by Public Law 104–
7 134: *Provided further*, That of the amounts provided for
8 technical assistance, sufficient funds shall be made avail-
9 able for a grant to the Pacific Basin Development Council:
10 *Provided further*, That of the amounts provided for tech-
11 nical assistance, sufficient funding shall be made available
12 for a grant to the Close Up Foundation: *Provided further*,
13 That the funds for the program of operations and mainte-
14 nance improvement are appropriated to institutionalize
15 routine operations and maintenance improvement of cap-
16 ital infrastructure with territorial participation and cost
17 sharing to be determined by the Secretary based on the
18 grantee’s commitment to timely maintenance of its capital
19 assets: *Provided further*, That any appropriation for dis-
20 aster assistance under this heading in this Act or previous
21 appropriations Acts may be used as non-Federal matching
22 funds for the purpose of hazard mitigation grants provided
23 pursuant to section 404 of the Robert T. Stafford Disaster
24 Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 221(a)(3), 221(b), 223, and 233 of the Compact of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 221(a)(2), 221(b), and 233 of the Compact of Free Association, \$16,354,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, \$79,027,000 (reduced by \$3,000,000), of which not to exceed \$8,500 may be for official reception and representation expenses, and of which up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines: *Provided*, That none of the funds in this or previous appropriations Acts may be used to establish any additional reserves in the Working Capital account other than the two authorized reserves without

1 prior approval of the House and Senate Committees on
2 Appropriations.

3 WORKING CAPITAL FUND

4 From unobligated balances under this heading,
5 \$20,000,000 are hereby cancelled.

6 PAYMENTS IN LIEU OF TAXES

7 For expenses necessary to implement the Act of Octo-
8 ber 20, 1976, as amended (31 U.S.C. 6901–6907),
9 \$225,000,000, of which not to exceed \$400,000 shall be
10 available for administrative expenses: *Provided*, That no
11 payment shall be made to otherwise eligible units of local
12 government if the computed amount of the payment is less
13 than \$100.

14 OFFICE OF THE SOLICITOR

15 SALARIES AND EXPENSES

16 For necessary expenses of the Office of the Solicitor,
17 \$50,374,000.

18 OFFICE OF INSPECTOR GENERAL

19 SALARIES AND EXPENSES

20 For necessary expenses of the Office of Inspector
21 General, \$39,049,000, of which \$3,812,000 shall be for
22 procurement by contract of independent auditing services
23 to audit the consolidated Department of the Interior an-
24 nual financial statement and the annual financial state-

1 ment of the Department of the Interior bureaus and of-
2 fices funded in this Act.

3 OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS
4 FEDERAL TRUST PROGRAMS

5 For operation of trust programs for Indians by direct
6 expenditure, contracts, cooperative agreements, compacts,
7 and grants, \$219,641,000, of which \$75,000,000 shall be
8 available for historical accounting, to remain available
9 until expended: *Provided*, That funds for trust manage-
10 ment improvements and litigation support may, as needed,
11 be transferred to or merged with the Bureau of Indian
12 Affairs, “Operation of Indian Programs” account; the Of-
13 fice of the Solicitor, “Salaries and Expenses” account; and
14 the Departmental Management, “Salaries and Expenses”
15 account: *Provided further*, That funds made available to
16 Tribes and Tribal organizations through contracts or
17 grants obligated during fiscal year 2004, as authorized by
18 the Indian Self-Determination Act of 1975 (25 U.S.C. 450
19 et seq.), shall remain available until expended by the con-
20 tractor or grantee: *Provided further*, That notwithstanding
21 any other provision of law, the statute of limitations shall
22 not commence to run on any claim, including any claim
23 in litigation pending on the date of the enactment of this
24 Act, concerning losses to or mismanagement of trust
25 funds, until the affected tribe or individual Indian has

1 been furnished with an accounting of such funds from
2 which the beneficiary can determine whether there has
3 been a loss: *Provided further*, That notwithstanding any
4 other provision of law, the Secretary shall not be required
5 to provide a quarterly statement of performance for any
6 Indian trust account that has not had activity for at least
7 18 months and has a balance of \$1.00 or less: *Provided*
8 *further*, That the Secretary shall issue an annual account
9 statement and maintain a record of any such accounts and
10 shall permit the balance in each such account to be with-
11 drawn upon the express written request of the account
12 holder: *Provided further*, That not to exceed \$50,000 is
13 available for the Secretary to make payments to correct
14 administrative errors of either disbursements from or de-
15 posits to Individual Indian Money or Tribal accounts after
16 September 30, 2002: *Provided further*, That erroneous
17 payments that are recovered shall be credited to and re-
18 main available in this account for this purpose.

19 INDIAN LAND CONSOLIDATION

20 For consolidation of fractional interests in Indian
21 lands and expenses associated with redetermining and re-
22 distributing escheated interests in allotted lands, and for
23 necessary expenses to carry out the Indian Land Consoli-
24 dation Act of 1983, as amended, by direct expenditure or

1 cooperative agreement, \$20,980,000, to remain available
2 until expended.

3 NATURAL RESOURCE DAMAGE ASSESSMENT AND
4 RESTORATION

5 NATURAL RESOURCE DAMAGE ASSESSMENT FUND

6 To conduct natural resource damage assessment and
7 restoration activities by the Department of the Interior
8 necessary to carry out the provisions of the Comprehensive
9 Environmental Response, Compensation, and Liability
10 Act, as amended (42 U.S.C. 9601 et seq.), Federal Water
11 Pollution Control Act, as amended (33 U.S.C. 1251 et
12 seq.), the Oil Pollution Act of 1990 (Public Law 101–380)
13 (33 U.S.C. 2701 et seq.), and Public Law 101–337, as
14 amended (16 U.S.C. 19jj et seq.), \$5,633,000, to remain
15 available until expended.

16 ADMINISTRATIVE PROVISIONS

17 There is hereby authorized for acquisition from avail-
18 able resources within the Working Capital Fund, 15 air-
19 craft, 10 of which shall be for replacement and which may
20 be obtained by donation, purchase or through available ex-
21 cess surplus property: *Provided*, That notwithstanding any
22 other provision of law, existing aircraft being replaced may
23 be sold, with proceeds derived or trade-in value used to
24 offset the purchase price for the replacement aircraft: *Pro-*
25 *vided further*, That no programs funded with appropriated

1 funds in the “Departmental Management”, “Office of the
2 Solicitor”, and “Office of Inspector General” may be aug-
3 mented through the Working Capital Fund or the Consoli-
4 dated Working Fund.

5 GENERAL PROVISIONS, DEPARTMENT OF THE
6 INTERIOR

7 SEC. 101. Appropriations made in this title shall be
8 available for expenditure or transfer (within each bureau
9 or office), with the approval of the Secretary, for the emer-
10 gency reconstruction, replacement, or repair of aircraft,
11 buildings, utilities, or other facilities or equipment dam-
12 aged or destroyed by fire, flood, storm, or other unavoid-
13 able causes: *Provided*, That no funds shall be made avail-
14 able under this authority until funds specifically made
15 available to the Department of the Interior for emer-
16 gencies shall have been exhausted: *Provided further*, That
17 all funds used pursuant to this section are hereby des-
18 ignated by Congress to be “emergency requirements” pur-
19 suant to section 251(b)(2)(A) of the Balanced Budget and
20 Emergency Deficit Control Act of 1985, and must be re-
21 plenished by a supplemental appropriation which must be
22 requested as promptly as possible.

23 SEC. 102. The Secretary may authorize the expendi-
24 ture or transfer of any no year appropriation in this title,
25 in addition to the amounts included in the budget pro-

1 grams of the several agencies, for the suppression or emer-
2 gency prevention of wildland fires on or threatening lands
3 under the jurisdiction of the Department of the Interior;
4 for the emergency rehabilitation of burned-over lands
5 under its jurisdiction; for emergency actions related to po-
6 tential or actual earthquakes, floods, volcanoes, storms, or
7 other unavoidable causes; for contingency planning subse-
8 quent to actual oil spills; for response and natural resource
9 damage assessment activities related to actual oil spills;
10 for the prevention, suppression, and control of actual or
11 potential grasshopper and Mormon cricket outbreaks on
12 lands under the jurisdiction of the Secretary, pursuant to
13 the authority in section 1773(b) of Public Law 99–198
14 (99 Stat. 1658); for emergency reclamation projects under
15 section 410 of Public Law 95–87; and shall transfer, from
16 any no year funds available to the Office of Surface Min-
17 ing Reclamation and Enforcement, such funds as may be
18 necessary to permit assumption of regulatory authority in
19 the event a primacy State is not carrying out the regu-
20 latory provisions of the Surface Mining Act: *Provided*,
21 That appropriations made in this title for wildland fire
22 operations shall be available for the payment of obligations
23 incurred during the preceding fiscal year, and for reim-
24 bursement to other Federal agencies for destruction of ve-
25 hicles, aircraft, or other equipment in connection with

1 their use for wildland fire operations, such reimbursement
2 to be credited to appropriations currently available at the
3 time of receipt thereof: *Provided further*, That for wildland
4 fire operations, no funds shall be made available under
5 this authority until the Secretary determines that funds
6 appropriated for “wildland fire operations” shall be ex-
7 hausted within 30 days: *Provided further*, That all funds
8 used pursuant to this section are hereby designated by
9 Congress to be “emergency requirements” pursuant to
10 section 251(b)(2)(A) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985, and must be replen-
12 ished by a supplemental appropriation which must be re-
13 quested as promptly as possible: *Provided further*, That
14 such replenishment funds shall be used to reimburse, on
15 a pro rata basis, accounts from which emergency funds
16 were transferred.

17 SEC. 103. Appropriations made in this title shall be
18 available for operation of warehouses, garages, shops, and
19 similar facilities, wherever consolidation of activities will
20 contribute to efficiency or economy, and said appropria-
21 tions shall be reimbursed for services rendered to any
22 other activity in the same manner as authorized by sec-
23 tions 1535 and 1536 of title 31, United States Code: *Pro-*
24 *vided*, That reimbursements for costs and supplies, mate-
25 rials, equipment, and for services rendered may be cred-

1 ited to the appropriation current at the time such reim-
2 bursements are received.

3 SEC. 104. Appropriations made to the Department
4 of the Interior in this title shall be available for services
5 as authorized by 5 U.S.C. 3109, when authorized by the
6 Secretary, in total amount not to exceed \$500,000; hire,
7 maintenance, and operation of aircraft; hire of passenger
8 motor vehicles; purchase of reprints; payment for tele-
9 phone service in private residences in the field, when au-
10 thorized under regulations approved by the Secretary; and
11 the payment of dues, when authorized by the Secretary,
12 for library membership in societies or associations which
13 issue publications to members only or at a price to mem-
14 bers lower than to subscribers who are not members.

15 SEC. 105. Appropriations available to the Depart-
16 ment of the Interior for salaries and expenses shall be
17 available for uniforms or allowances therefor, as author-
18 ized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

19 SEC. 106. Annual appropriations made in this title
20 shall be available for obligation in connection with con-
21 tracts issued for services or rentals for periods not in ex-
22 cess of 12 months beginning at any time during the fiscal
23 year.

24 SEC. 107. No funds provided in this title may be ex-
25 pended by the Department of the Interior for the conduct

1 of offshore preleasing, leasing and related activities placed
2 under restriction in the President's moratorium statement
3 of June 12, 1998, in the areas of northern, central, and
4 southern California; the North Atlantic; Washington and
5 Oregon; and the eastern Gulf of Mexico south of 26 de-
6 grees north latitude and east of 86 degrees west longitude.

7 SEC. 108. No funds provided in this title may be ex-
8 pended by the Department of the Interior for the conduct
9 of offshore oil and natural gas preleasing, leasing, and re-
10 lated activities, on lands within the North Aleutian Basin
11 planning area.

12 SEC. 109. No funds provided in this title may be ex-
13 pended by the Department of the Interior to conduct off-
14 shore oil and natural gas preleasing, leasing and related
15 activities in the eastern Gulf of Mexico planning area for
16 any lands located outside Sale 181, as identified in the
17 final Outer Continental Shelf 5-Year Oil and Gas Leasing
18 Program, 1997–2002.

19 SEC. 110. No funds provided in this title may be ex-
20 pended by the Department of the Interior to conduct oil
21 and natural gas preleasing, leasing and related activities
22 in the Mid-Atlantic and South Atlantic planning areas.

23 SEC. 111. Advance payments made under this title
24 to Indian tribes, tribal organizations, and tribal consortia
25 pursuant to the Indian Self-Determination and Education

1 Assistance Act (25 U.S.C. 450 et seq.) or the Tribally
2 Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.)
3 may be invested by the Indian tribe, tribal organization,
4 or consortium before such funds are expended for the pur-
5 poses of the grant, compact, or annual funding agreement
6 so long as such funds are—

7 (1) invested by the Indian tribe, tribal organiza-
8 tion, or consortium only in obligations of the United
9 States, or in obligations or securities that are guar-
10 anteed or insured by the United States, or mutual
11 (or other) funds registered with the Securities and
12 Exchange Commission and which only invest in obli-
13 gations of the United States or securities that are
14 guaranteed or insured by the United States; or

15 (2) deposited only into accounts that are in-
16 sured by an agency or instrumentality of the United
17 States, or are fully collateralized to ensure protec-
18 tion of the funds, even in the event of a bank failure.

19 SEC. 112. Notwithstanding any other provisions of
20 law, the National Park Service shall not develop or imple-
21 ment a reduced entrance fee program to accommodate
22 non-local travel through a unit. The Secretary may provide
23 for and regulate local non-recreational passage through
24 units of the National Park System, allowing each unit to

1 develop guidelines and permits for such activity appro-
2 priate to that unit.

3 SEC. 113. Appropriations made in this Act under the
4 headings Bureau of Indian Affairs and Office of Special
5 Trustee for American Indians and any available unobli-
6 gated balances from prior appropriations Acts made under
7 the same headings, shall be available for expenditure or
8 transfer for Indian trust management and reform activi-
9 ties.

10 SEC. 114. A grazing permit or lease that expires (or
11 is transferred) during fiscal year 2004 shall be renewed
12 under section 402 of the Federal Land Policy and Man-
13 agement Act of 1976, as amended (43 U.S.C. 1752) or,
14 if applicable, section 510 of the California Desert Protec-
15 tion Act (16 U.S.C. 410aaa–50). The terms and condi-
16 tions contained in the expiring permit or lease shall con-
17 tinue in effect under the new permit or lease until such
18 time as the Secretary of the Interior completes processing
19 of such permit or lease in compliance with all applicable
20 laws and regulations, at which time such permit or lease
21 may be canceled, suspended or modified, in whole or in
22 part, to meet the requirements of such applicable laws and
23 regulations. Nothing in this section shall be deemed to
24 alter the Secretary's statutory authority: Provided, That
25 any Federal lands included within the boundary of Lake

1 Roosevelt National Recreation Area, as designated by the
2 Secretary of the Interior on April 5, 1990 (Lake Roosevelt
3 Cooperative Management Agreement), that were utilized
4 as of March 31, 1997, for grazing purposes pursuant to
5 a permit issued by the National Park Service, the person
6 or persons so utilizing such lands as of March 31, 1997,
7 shall be entitled to renew said permit under such terms
8 and conditions as the Secretary may prescribe, for the life-
9 time of the permittee or 20 years, whichever is less.

10 SEC. 115. Notwithstanding any other provision of
11 law, for the purpose of reducing the backlog of Indian pro-
12 bate cases in the Department of the Interior, the hearing
13 requirements of chapter 10 of title 25, United States
14 Code, are deemed satisfied by a proceeding conducted by
15 an Indian probate judge, appointed by the Secretary with-
16 out regard to the provisions of title 5, United States Code,
17 governing the appointments in the competitive service, for
18 such period of time as the Secretary determines necessary:
19 *Provided*, That the basic pay of an Indian probate judge
20 so appointed may be fixed by the Secretary without regard
21 to the provisions of chapter 51, and subchapter III of
22 chapter 53 of title 5, United States Code, governing the
23 classification and pay of General Schedule employees, ex-
24 cept that no such Indian probate judge may be paid at
25 a level which exceeds the maximum rate payable for the

1 highest grade of the General Schedule, including locality
2 pay.

3 SEC. 116. Notwithstanding any other provision of
4 law, the Secretary of the Interior is authorized to redis-
5 tribute any Tribal Priority Allocation funds, including
6 tribal base funds, to alleviate tribal funding inequities by
7 transferring funds to address identified, unmet needs,
8 dual enrollment, overlapping service areas or inaccurate
9 distribution methodologies. No tribe shall receive a reduc-
10 tion in Tribal Priority Allocation funds of more than 10
11 percent in fiscal year 2004. Under circumstances of dual
12 enrollment, overlapping service areas or inaccurate dis-
13 tribution methodologies, the 10 percent limitation does not
14 apply.

15 SEC. 117. Funds appropriated for the Bureau of In-
16 dian Affairs for postsecondary schools for fiscal year 2004
17 shall be allocated among the schools proportionate to the
18 unmet need of the schools as determined by the Postsec-
19 ondary Funding Formula adopted by the Office of Indian
20 Education Programs.

21 SEC. 118. (a) The Secretary of the Interior shall take
22 such action as may be necessary to ensure that the lands
23 comprising the Huron Cemetery in Kansas City, Kansas
24 (as described in section 123 of Public Law 106–291) are
25 used only in accordance with this section.

1 (b) The lands of the Huron Cemetery shall be used
2 only: (1) for religious and cultural uses that are compat-
3 ible with the use of the lands as a cemetery; and (2) as
4 a burial ground.

5 SEC. 119. Notwithstanding any other provision of
6 law, in conveying the Twin Cities Research Center under
7 the authority provided by Public Law 104–134, as amend-
8 ed by Public Law 104–208, the Secretary may accept and
9 retain land and other forms of reimbursement: *Provided*,
10 That the Secretary may retain and use any such reim-
11 bursement until expended and without further appropria-
12 tion: (1) for the benefit of the National Wildlife Refuge
13 System within the State of Minnesota; and (2) for all ac-
14 tivities authorized by Public Law 100–696; 16 U.S.C.
15 460zz.

16 SEC. 120. Notwithstanding other provisions of law,
17 the National Park Service may authorize, through cooper-
18 ative agreement, the Golden Gate National Parks Associa-
19 tion to provide fee-based education, interpretive and vis-
20 itor service functions within the Crissy Field and Fort
21 Point areas of the Presidio.

22 SEC. 121. Notwithstanding 31 U.S.C. 3302(b), sums
23 received by the Bureau of Land Management for the sale
24 of seeds or seedlings including those collected in fiscal year
25 2003, may be credited to the appropriation from which

1 funds were expended to acquire or grow the seeds or seed-
2 lings and are available without fiscal year limitation.

3 SEC. 122. WHITE RIVER OIL SHALE MINE, UTAH.
4 SALE.—Subject to the terms and conditions of section 126
5 of the Department of the Interior and Related Agencies
6 Act, 2002, the Administrator of General Services shall sell
7 all right, title, and interest of the United States in and
8 to the improvements and equipment of the White River
9 Oil Shale Mine.

10 SEC. 123. The Secretary of the Interior may use or
11 contract for the use of helicopters or motor vehicles on
12 the Sheldon and Hart National Wildlife Refuges for the
13 purpose of capturing and transporting horses and burros.
14 The provisions of subsection (a) of the Act of September
15 8, 1959 (18 U.S.C. 47(a)) shall not be applicable to such
16 use. Such use shall be in accordance with humane proce-
17 dures prescribed by the Secretary.

18 SEC. 124. Funds provided in this Act for Federal
19 land acquisition by the National Park Service for Shen-
20andoah Valley Battlefields National Historic District, and
21 Ice Age National Scenic Trail may be used for a grant
22 to a State, a local government, or any other governmental
23 land management entity for the acquisition of lands with-
24 out regard to any restriction on the use of Federal land

1 acquisition funds provided through the Land and Water
2 Conservation Fund Act of 1965 as amended.

3 SEC. 125. None of the funds made available by this
4 Act may be obligated or expended by the National Park
5 Service to enter into or implement a concession contract
6 which permits or requires the removal of the underground
7 lunchroom at the Carlsbad Caverns National Park.

8 SEC. 126. None of the funds made available in this
9 Act may be used: (1) to demolish the bridge between Jer-
10 sey City, New Jersey, and Ellis Island; or (2) to prevent
11 pedestrian use of such bridge, when such pedestrian use
12 is consistent with generally accepted safety standards.

13 SEC. 127. None of the funds made available in this
14 or any other Act for any fiscal year may be used to des-
15 ignate, or to post any sign designating, any portion of Ca-
16 naval National Seashore in Brevard County, Florida, as
17 a clothing-optional area or as an area in which public nu-
18 dity is permitted, if such designation would be contrary
19 to county ordinance.

20 SEC. 128. None of the funds in this or any other Act
21 can be used to compensate the Special Master and the
22 Special Master-Monitor, and all variations thereto, ap-
23 pointed by the United States District Court for the Dis-
24 trict of Columbia in the Cobell v. Norton litigation at an
25 annual rate that exceeds 200 percent of the highest Senior

1 Executive Service rate of pay for the Washington-
2 Baltimore locality pay area.

3 SEC. 129. The Secretary of the Interior may use dis-
4 cretionary funds to pay private attorneys fees and costs
5 for employees and former employees of the Department
6 of the Interior reasonably incurred in connection with
7 *Cobell v. Norton* to the extent that such fees and costs
8 are not paid by the Department of Justice or by private
9 insurance. In no case shall the Secretary make payments
10 under this section that would result in payment of hourly
11 fees in excess of the highest hourly rate approved by the
12 District Court for the District of Columbia for counsel in
13 *Cobell v. Norton*.

14 SEC. 130. The United States Fish and Wildlife Serv-
15 ice shall, in carrying out its responsibilities to protect
16 threatened and endangered species of salmon, implement
17 a system of mass marking of salmonid stocks, intended
18 for harvest, that are released from Federally operated or
19 Federally financed hatcheries including but not limited to
20 fish releases of coho, chinook, and steelhead species.
21 Marked fish must have a visible mark that can be readily
22 identified by commercial and recreational fishers.

23 SEC. 131. Such sums as may be necessary from “De-
24 partmental Management, Salaries and Expenses”, may be
25 transferred to “United States Fish and Wildlife Service,

1 Resource Management” for operational needs at the Mid-
2 way Atoll National Wildlife Refuge airport.

3 SEC. 132. No funds appropriated for the Department
4 of the Interior by this Act or any other Act shall be used
5 to study or implement any plan to drain Lake Powell or
6 to reduce the water level of the lake below the range of
7 water levels required for the operation of the Glen Canyon
8 Dam.

9 SEC. 133. Section 122 of division F of Public Law
10 108–7 is amended as follows:

11 (1) Paragraph 122(a)(4) is amended to read—

12 “(4) TRIBALLY CONTROLLED SCHOOL.—The
13 term ‘tribally controlled school’ means a school that
14 currently receives a grant under the Tribally Con-
15 trolled Schools Act of 1988, as amended (25 U.S.C.
16 2501 et seq.) or is determined by the Secretary to
17 meet the eligibility criteria of section 5205 of the
18 Tribally Controlled Schools Act of 1988, as amended
19 (25 U.S.C. 2504).”.

20 (2) Paragraph 122(b)(1) is amended by strik-
21 ing the second sentence and inserting: “The Sec-
22 retary shall ensure that applications for funding to
23 replace schools currently receiving funding for facil-
24 ity operation and maintenance from the Bureau of
25 Indian Affairs receive the highest priority for grants

1 under this section. Among such applications, the
2 Secretary shall give priority to applications of Indian
3 tribes that agree to fund all future facility operation
4 and maintenance costs of the tribally controlled
5 school funded under the demonstration program
6 from other than Federal funds.”.

7 (3) Subsection (c) is amended by inserting after
8 “EFFECT OF GRANT.—” the following: “(1) Except
9 as provided in paragraph (2) of this subsection,”
10 and is further amended by adding the following new
11 paragraph:

12 “(2) A tribe receiving a grant for construction
13 of a tribally controlled school under this section shall
14 not be eligible to receive funding from the Bureau
15 of Indian Affairs for that school for education oper-
16 ations or facility operation and maintenance if the
17 school that was not at the time of the grant: (i) a
18 school receiving funding for education operations or
19 facility operation and maintenance under the Trib-
20 ally Controlled Schools Act or the Indian Self-Deter-
21 mination and Education Assistance Act or (ii) a
22 school operated by the Bureau of Indian Affairs.”.

23 SEC. 134. The Secretary of the Interior shall within
24 180 days of the enactment of this Act submit to the House
25 and Senate Committees on Appropriations a report that

describes the condition and adequacy of educational facilities available to the Eastern Band of Cherokee Indians, the availability of lands necessary for the construction of any necessary new or replacement education facilities, and the impacts that construction of such facilities might have on natural, cultural, and other resources present within the Great Smoky Mountains National Park and the Blue Ridge Parkway. The report shall specifically address the resource implications of the land exchange described in H.R. 1409, “The Eastern Band of Cherokee Indians Land Exchange Act of 2002” as introduced in the 108th Congress. The Secretary shall consult with the Eastern Band of Cherokee Indians in preparing the report.

LAND EXCHANGE, WORLD WAR I NATIONAL MEMORIAL,
MOJAVE NATIONAL PRESERVE

SEC. 135. (a) EXCHANGE REQUIRED.—In exchange for the private property described in subsection (b), the Secretary of the Interior shall convey to the Veterans Home of California-Barstow, Veterans of Foreign Wars Post #385E (in this section referred to as the “recipient”), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately one acre in the Mojave National Preserve and designated (by section 8137 of the Department of Defense Appropriations Act, 2002 (Public Law 101–117; 115 Stat. 2278)) as a national memorial commemorating United

1 States participation in World War I and honoring the
2 American veterans of that war. Notwithstanding the con-
3 veyance of the property under this subsection, the Sec-
4 retary shall continue to carry out the responsibilities of
5 the Secretary under such section 8137.

6 (b) CONSIDERATION.—As consideration for the prop-
7 erty to be conveyed by the Secretary under subsection (a),
8 Mr. and Mrs. Henry Sandoz of Mountain Pass, California,
9 have agreed to convey to the Secretary a parcel of real
10 property consisting of approximately five acres, identified
11 as parcel APN 569–051–44, and located in the west $\frac{1}{2}$
12 of the northeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of the northwest
13 $\frac{1}{4}$ of section 11, township 14 north, range 15 east, San
14 Bernardino base and meridian.

15 (c) EQUAL VALUE EXCHANGE; APPRAISAL.—The
16 values of the properties to be exchanged under this section
17 shall be equal or equalized as provided in subsection (d).
18 The value of the properties shall be determined through
19 an appraisal performed by a qualified appraiser in con-
20 formance with the Uniform Appraisal Standards for Fed-
21 eral Land Acquisitions (Department of Justice, December
22 2000).

23 (d) CASH EQUALIZATION.—Any difference in the
24 value of the properties to be exchanged under this section
25 shall be equalized through the making of a cash equali-

1 zation payment. The Secretary shall deposit any cash
 2 equalization payment received by the Secretary under this
 3 subsection in the Land and Water Conservation Fund.

4 (e) REVERSIONARY CLAUSE.—The conveyance under
 5 subsection (a) shall be subject to the condition that the
 6 recipient maintain the conveyed property as a memorial
 7 commemorating United States participation in World War
 8 I and honoring the American veterans of that war. If the
 9 Secretary determines that the conveyed property is no
 10 longer being maintained as a war memorial, the property
 11 shall revert to the ownership of the United States.

12 (f) BOUNDARY ADJUSTMENT; ADMINISTRATION OF
 13 ACQUIRED LAND.—The boundaries of the Mojave Na-
 14 tional Preserve shall be adjusted to reflect the land ex-
 15 change required by this section. The property acquired by
 16 the Secretary under this section shall become part of the
 17 Mojave National Preserve and be administered in accord-
 18 ance with the laws, rules, and regulations generally appli-
 19 cable to the Mojave National Preserve.

20 BLUE RIDGE NATIONAL HERITAGE AREA

21 SEC. 136. (a) SHORT TITLE.—This section may be
 22 cited as the “Blue Ridge National Heritage Area Act of
 23 2003”.

24 (b) FINDINGS AND PURPOSE.—

25 (1) FINDINGS.—Congress finds that:

(A) The Blue Ridge Mountains and the extensive cultural and natural resources of the Blue Ridge Mountains have played a significant role in the history of the United States and the State of North Carolina.

(B) Archaeological evidence indicates that the Blue Ridge Mountains have been inhabited by humans since the last retreat of the glaciers, with the Native Americans living in the area at the time of European discovery being primarily of Cherokee descent.

(C) The Blue Ridge Mountains of western North Carolina, including the Great Smoky Mountains, played a unique and significant role in the establishment and development of the culture of the United States through several distinct legacies, including—

(i) the craft heritage that—

(I) was first influenced by the Cherokee Indians;

(II) was the origin of the traditional craft movement starting in 1900 and the contemporary craft movement starting in the 1940's; and

(III) is carried out by over 4,000 craftspeople in the Blue Ridge Mountains of western North Carolina, the third largest concentration of such people in the United States;

(ii) a musical heritage comprised of distinctive instrumental and vocal traditions that—

(I) includes stringband music, bluegrass, ballad singing, blues, and sacred music;

(II) has received national recognition; and

(III) has made the region one of the richest repositories of traditional music and folklife in the United States;

(iii) the Cherokee heritage—

(I) dating back thousands of years; and

(II) offering—

(aa) nationally significant cultural traditions practiced by the Eastern Band of Cherokee Indians;

1 (bb) authentic tradition
2 bearers;
3 (cc) historic sites; and
4 (dd) historically important
5 collections of Cherokee artifacts;
6 and

7 (iv) the agricultural heritage estab-
8 lished by the Cherokee Indians, including
9 medicinal and ceremonial food crops, com-
10 bined with the historic European patterns
11 of raising livestock, culminating in the
12 largest number of specialty crop farms in
13 North Carolina.

14 (D) The artifacts and structures associated
15 with those legacies are unusually well-preserved.

16 (E) The Blue Ridge Mountains are recog-
17 nized as having one of the richest collections of
18 historical resources in North America.

19 (F) The history and cultural heritage of
20 the Blue Ridge Mountains are shared with the
21 States of Virginia, Tennessee, and Georgia.

22 (G) there are significant cultural, eco-
23 nomic, and educational benefits in celebrating
24 and promoting this mutual heritage.

(H) according to the 2002 reports entitled “The Blue Ridge Heritage and Cultural Partnership” and “Western North Carolina National Heritage Area Feasibility Study and Plan”, the Blue Ridge Mountains contain numerous resources that are of outstanding importance to the history of the United States.

(I) it is in the interest of the United States to preserve and interpret the cultural and historical resources of the Blue Ridge Mountains for the education and benefit of present and future generations.

(2) PURPOSE.—The purpose of this section is to foster a close working relationship with, and to assist, all levels of government, the private sector, and local communities in the State in managing, preserving, protecting, and interpreting the cultural, historical, and natural resources of the Heritage Area while continuing to develop economic opportunities.

(c) DEFINITIONS.—

(1) In this section:

(A) HERITAGE AREA.—The term “Heritage Area” means the Blue Ridge National Heritage Area established by subsection (d).

(B) MANAGEMENT ENTITY.—The term “management entity” means the management entity for the Heritage Area designated by subsection (d)(3).

(C) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area approved under subsection (e).

(D) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(E) STATE.—The term “State” means the State of North Carolina.

(d) BLUE RIDGE NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Blue Ridge National Heritage Area in the State.

(2) BOUNDARIES.—The Heritage Area shall consist of the counties of Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry, Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey in the State.

(3) MANAGEMENT ENTITY.—

(A) IN GENERAL.—As a condition of the receipt of funds made available under sub-

1 section (i), the Blue Ridge National Heritage
2 Area Partnership shall be the management enti-
3 ty for the Heritage Area.

4 (B) BOARD OF DIRECTORS.—

5 (i) COMPOSITION.—The management
6 entity shall be governed by a board of di-
7 rectors composed of nine members, of
8 whom—

9 (I) two members shall be ap-
10 pointed by AdvantageWest;

11 (II) two members shall be ap-
12 pointed by HandMade In America,
13 Inc.;

14 (III) one member shall be ap-
15 pointed by the Education Research
16 Consortium of Western North Caro-
17 lina;

18 (IV) one member shall be ap-
19 pointed by the Eastern Band of the
20 Cherokee Indians; and

21 (V) three members shall be ap-
22 pointed by the Governor of North
23 Carolina and shall—

(aa) reside in geographically diverse regions of the Heritage Area;

(bb) be a representative of State or local governments or the private sector; and

(cc) have knowledge of tourism, economic and community development, regional planning, historic preservation, cultural or natural resources development, regional planning, conservation, recreational services, education, or museum services.

(e) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this section, the management entity shall submit to the Secretary for approval a management plan for the Heritage Area.

(2) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the management entity shall—

(A) for the purpose of presenting a unified preservation and interpretation plan, take into

consideration Federal, State, and local plans;
and

(B) provide for the participation of residents, public agencies, and private organizations in the Heritage Area.

(3) CONTENTS.—The management plan shall—

(A) present comprehensive recommendations and strategies for the conservation, funding, management, and development of the Heritage Area;

(B) identify existing and potential sources of Federal and non-Federal funding for the conservation, management, and development of the Heritage Area; and

(C) include—

(i) an inventory of the cultural, historical, natural, and recreational resources of the Heritage Area, including a list of property that—

(I) relates to the purposes of the Heritage Area; and

(II) should be conserved, restored, managed, developed, or maintained because of the significance of the property;

(ii) a program of strategies and actions for the implementation of the management plan that identifies the roles of agencies and organizations that are involved in the implementation of the management plan;

(iii) an interpretive and educational plan for the Heritage Area;

(iv) a recommendation of policies for resource management and protection that develop intergovernmental cooperative agreements to manage and protect the cultural, historical, natural, and recreational resources of the Heritage Area; and

(v) an analysis of ways in which Federal, State, and local programs may best be coordinated to promote the purposes of this section.

(4) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date described in paragraph (1), the Secretary shall not provide any additional funding under this section until a management plan is submitted to the Secretary.

(5) APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.—

(A) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under paragraph (1), the Secretary shall approve or disapprove the management plan.

(B) CRITERIA.—In determining whether to approve the management plan, the Secretary shall consider whether the management plan—

(i) has strong local support from landowners, business interests, nonprofit organizations, and governments in the Heritage Area; and

(ii) has a high potential for effective partnership mechanisms.

(C) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under subparagraph (A), the Secretary shall—

(i) advise the management entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the management entity to submit to the Secretary revisions to the management plan.

(D) DEADLINE FOR APPROVAL OF REVISION.—Not later than 60 days after the date on which a revision is submitted under subparagraph (C)(iii), the Secretary shall approve or disapprove the proposed revision.

(6) AMENDMENT OF APPROVED MANAGEMENT PLAN.—

(A) IN GENERAL.—After approval by the Secretary of a management plan, the management entity shall periodically—

(i) review the management plan; and

(ii) submit to the Secretary, for review and approval, the recommendation of the management entity for any amendments to the management plan.

(B) USE OF FUNDS.—No funds made available under subsection (i) shall be used to implement any amendment proposed by the management entity under subparagraph (A) until the Secretary approves the amendment.

(f) AUTHORITIES AND DUTIES OF THE MANAGEMENT ENTITY.—

(1) AUTHORITIES.—For the purposes of developing and implementing the management plan, the

management entity may use funds made available under subsection (i) to—

(A) make grants to, and enter into cooperative agreements with, the State (including a political subdivision), nonprofit organizations, or persons;

(B) hire and compensate staff; and

(C) enter into contracts for goods and services.

(2) DUTIES.—In addition to developing the management plan, the management entity shall—

(A) develop and implement the management plan while considering the interests of diverse units of government, businesses, private property owners, and nonprofit groups in the Heritage Area;

(B) conduct public meetings in the Heritage Area at least semiannually on the development and implementation of the management plan;

(C) give priority to the implementation of actions, goals, and strategies in the management plan, including providing assistance to units of government, nonprofit organizations, and persons in—

(i) carrying out the programs that protect resources in the Heritage Area;

(ii) encouraging economic viability in the Heritage Area in accordance with the goals of the management plan;

(iii) establishing and maintaining interpretive exhibits in the Heritage Area;

(iv) developing recreational and educational opportunities in the Heritage Area; and

(v) increasing public awareness of and appreciation for the cultural, historical, and natural resources of the Heritage Area; and

(D) for any fiscal year for which Federal funds are received under subsection (i)—

(i) submit to the Secretary a report that describes, for the fiscal year—

(I) the accomplishments of the management entity;

(II) the expenses and income of the management entity; and

(III) each entity to which a grant was made;

(ii) make available for audit by Congress, the Secretary, and appropriate units of government, all records relating to the expenditure of funds and any matching funds; and

(iii) require, for all agreements authorizing expenditure of Federal funds by any entity, that the receiving entity make available for audit all records relating to the expenditure of funds.

(3) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds received under subsection (i) to acquire real property or an interest in real property.

(g) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide to the management entity technical assistance and, subject to the availability of appropriations, financial assistance, for use in developing and implementing the management plan.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(A) the preservation of the significant cultural, historical, natural, and recreational resources of the Heritage Area; and

(B) the provision of educational, interpretive, and recreational opportunities that are consistent with the resources of the Heritage Area.

(h) LAND USE REGULATION.—

(1) IN GENERAL.—Nothing in this section—

(A) grants any power of zoning or land use to the management entity; or

(B) modifies, enlarges, or diminishes any authority of the Federal Government or any State or local government to regulate any use of land under any law (including regulations).

(2) PRIVATE PROPERTY.—Nothing in this section—

(A) abridges the rights of any person with respect to private property;

(B) affects the authority of the State or local government with respect to private property; or

(C) imposes any additional burden on any property owner.

(i) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$10,000,000, of which not more than \$1,000,000 shall be made available for any fiscal year.

(2) NON-FEDERAL SHARE.—The non-Federal share of the cost of any activities carried out using Federal funds made available under subsection (a) shall be not less than 50 percent.

(j) TERMINATION OF AUTHORITY.—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this section.

SEC. 137. None of the funds in this or any other Act may be used by the Department of the Interior to support the Klamath Fishery Management Council.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$267,230,000, to remain available until expended: *Provided*, That of the funds provided, \$49,428,000 is for the forest inventory and analysis program.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, including treatments of pests, pathogens, and invasive or noxious plants and for restoring and rehabilitating forests damaged by pests or invasive plants, cooperative forestry, and education and land conservation activities and conducting an international program as authorized, \$290,758,000, to remain available until expended, as authorized by law: *Provided*, That none of the funds provided under this heading for the acquisition of lands or interests in lands shall be available until the Forest Service notifies the House Committee on Appropriations and the Senate Committee on Appropriations, in writing, of specific contractual and grant details including the non-Federal cost share of each project, related to the acquisition of lands or interests in lands to be undertaken with such funds: *Provided further*, That each forest legacy grant shall be for a specific project or set of specific tasks: *Provided further*, That grants for acquisition of lands or conservation easements shall require that the State demonstrates that 25 percent of the total value of the project is comprised of a non-Federal cost share.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, \$1,400,792,000 (reduced by \$6,000,000), to remain available until expended, which shall include 50 percent of all moneys received during prior fiscal years as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): *Provided*, That unobligated balances available at the start of fiscal year 2004 shall be displayed by budget line item in the fiscal year 2005 budget justification: *Provided further*, That the Secretary may authorize the expenditure or transfer of such sums as necessary to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands and for the performance of cadastral surveys to designate the boundaries of such lands.

For an additional amount to reimburse the Judgment Fund as required by 41 U.S.C. 612(c) for judgment liabilities previously incurred, \$188,405,000.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency

1 fire suppression on or adjacent to such lands or other
2 lands under fire protection agreement, hazardous fuels re-
3 duction on or adjacent to such lands, and for emergency
4 rehabilitation of burned-over National Forest System
5 lands and water, \$1,624,632,000, to remain available until
6 expended: *Provided*, That such funds including unobli-
7 gated balances under this head, are available for repay-
8 ment of advances from other appropriations accounts pre-
9 viously transferred for such purposes: *Provided further*,
10 That not less than 50 percent of any unobligated balances
11 remaining (exclusive of amounts for hazardous fuels re-
12 duction) at the end of fiscal year 2003 shall be trans-
13 ferred, as repayment for past advances that have not been
14 repaid, to the fund established pursuant to section 3 of
15 Public Law 71–319 (16 U.S.C. 576 et seq.): *Provided fur-*
16 *ther*, That notwithstanding any other provision of law,
17 \$8,000,000 of funds appropriated under this appropria-
18 tion shall be used for Fire Science Research in support
19 of the Joint Fire Science Program: *Provided further*, That
20 all authorities for the use of funds, including the use of
21 contracts, grants, and cooperative agreements, available to
22 execute the Forest and Rangeland Research appropria-
23 tion, are also available in the utilization of funds for Fire
24 Science Research: *Provided further*, That funds provided
25 shall be available for emergency rehabilitation and restora-

tion, hazardous fuels reduction activities in the urban-wildland interface, support to Federal emergency response, and wildfire suppression activities of the Forest Service: *Provided further*, That of the funds provided, \$246,392,000 is for hazardous fuels reduction activities, \$40,000,000 is for rehabilitation and restoration, \$22,000,000 is for research activities and to make competitive research grants pursuant to the Forest and Rangeland Renewable Resources Research Act, as amended (16 U.S.C. 1641 et seq.), \$51,000,000 is for State fire assistance, \$8,240,000 is for volunteer fire assistance, \$25,000,000 is for forest health activities on State, private, and Federal lands, and \$6,000,000 is for economic action programs: *Provided further*, That amounts in this paragraph may be transferred to the “State and Private Forestry”, “National Forest System”, and “Forest and Rangeland Research” accounts to fund State fire assistance, volunteer fire assistance, forest health management, economic action programs, forest and rangeland research, vegetation and watershed management, heritage site rehabilitation, and wildlife and fish habitat management and restoration: *Provided further*, That transfers of any amounts in excess of those authorized in this paragraph, shall require approval of the House and Senate Committees on Appropriations in compliance with reprogramming

1 procedures contained in the House report accompanying
2 this Act: *Provided further*, That the costs of implementing
3 any cooperative agreement between the Federal Govern-
4 ment and any non-Federal entity may be shared, as mutu-
5 ally agreed on by the affected parties: *Provided further*,
6 That in addition to funds provided for State Fire Assist-
7 ance programs, and subject to all authorities available to
8 the Forest Service under the State and Private Forestry
9 Appropriations, up to \$15,000,000 may be used on adja-
10 cent non-Federal lands for the purpose of protecting com-
11 munities when hazard reduction activities are planned on
12 national forest lands that have the potential to place such
13 communities at risk: *Provided further*, That included in
14 funding for hazardous fuel reduction is \$5,000,000 for im-
15 plementing the Community Forest Restoration Act, Public
16 Law 106–393, title VI, and any portion of such funds
17 shall be available for use on non-Federal lands in accord-
18 ance with authorities available to the Forest Service under
19 the State and Private Forestry Appropriation: *Provided*
20 *further*, That in using the funds provided in this Act for
21 hazardous fuels reduction activities, the Secretary of Agri-
22 culture may conduct fuel reduction treatments on Federal
23 lands using all contracting and hiring authorities available
24 to the Secretary applicable to hazardous fuel reduction ac-
25 tivities under the wildland fire management accounts: *Pro-*

1 *vided further*, That notwithstanding Federal Government
2 procurement and contracting laws, the Secretaries may
3 conduct fuel reduction treatments, rehabilitation and res-
4 toration, and other activities authorized under this head-
5 ing on and adjacent to Federal lands using grants and
6 cooperative agreements: *Provided further*, That notwith-
7 standing Federal Government procurement and con-
8 tracting laws, in order to provide employment and training
9 opportunities to people in rural communities, the Secre-
10 taries may award contracts, including contracts for moni-
11 toring activities, to local private, non-profit, or cooperative
12 entities; Youth Conservation Corps crews or related part-
13 nerships, with State, local and non-profit youth groups;
14 small or micro-businesses; or other entities that will hire
15 or train a significant percentage of local people to com-
16 plete such contracts: *Provided further*, That the authorities
17 described above relating to contracts, grants, and coopera-
18 tive agreements are available until all funds provided in
19 this title for hazardous fuels reduction activities in the
20 urban wildland interface are obligated: *Provided further*,
21 That the Secretary of the Interior and the Secretary of
22 Agriculture may authorize the transfer of funds appro-
23 priated for wildland fire management, in an aggregate
24 amount not to exceed \$12,000,000, between the Depart-
25 ments when such transfers would facilitate and expedite

1 jointly funded wildland fire management programs and
2 projects.

3 CAPITAL IMPROVEMENT AND MAINTENANCE

4 For necessary expenses of the Forest Service, not
5 otherwise provided for, \$560,473,000, to remain available
6 until expended for construction, reconstruction, mainte-
7 nance and acquisition of buildings and other facilities, and
8 for construction, reconstruction, repair, decommissioning,
9 and maintenance of forest roads and trails by the Forest
10 Service as authorized by 16 U.S.C. 532–538 and 23
11 U.S.C. 101 and 205: *Provided*, That up to \$15,000,000
12 of the funds provided herein for road maintenance shall
13 be available for the decommissioning of roads, including
14 unauthorized roads not part of the transportation system,
15 which are no longer needed: *Provided further*, That no
16 funds shall be expended to decommission any system road
17 until notice and an opportunity for public comment has
18 been provided on each decommissioning project.

19 LAND ACQUISITION

20 For expenses necessary to carry out the provisions
21 of the Land and Water Conservation Fund Act of 1965,
22 as amended (16 U.S.C. 4601–4 through 11), including ad-
23 ministrative expenses, and for acquisition of land or wa-
24 ters, or interest therein, in accordance with statutory au-
25 thority applicable to the Forest Service, \$29,288,000, to

1 be derived from the Land and Water Conservation Fund
 2 and to remain available until expended.

3 ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL
 4 ACTS

5 For acquisition of lands within the exterior bound-
 6 aries of the Cache, Uinta, and Wasatch National Forests,
 7 Utah; the Toiyabe National Forest, Nevada; and the An-
 8 geles, San Bernardino, Sequoia, and Cleveland National
 9 Forests, California, as authorized by law, \$1,069,000, to
 10 be derived from forest receipts.

11 ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

12 For acquisition of lands, such sums, to be derived
 13 from funds deposited by State, county, or municipal gov-
 14 ernments, public school districts, or other public school au-
 15 thorities, and for authorized expenditures from funds de-
 16 posited by non-federal parties pursuant to Land Sale and
 17 Exchange Acts, pursuant to the Act of December 4, 1967,
 18 as amended (16 U.S.C. 484a), to remain available until
 19 expended.

20 RANGE BETTERMENT FUND

21 For necessary expenses of range rehabilitation, pro-
 22 tection, and improvement, 50 percent of all moneys re-
 23 ceived during the prior fiscal year, as fees for grazing do-
 24 mestic livestock on lands in National Forests in the 16
 25 Western States, pursuant to section 401(b)(1) of Public

1 Law 94–579, as amended, to remain available until ex-
 2 pended, of which not to exceed 6 percent shall be available
 3 for administrative expenses associated with on-the-ground
 4 range rehabilitation, protection, and improvements.

5 GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND
 6 RANGELAND RESEARCH

7 For expenses authorized by 16 U.S.C. 1643(b),
 8 \$92,000, to remain available until expended, to be derived
 9 from the fund established pursuant to the above Act.

10 MANAGEMENT OF NATIONAL FOREST LANDS FOR
 11 SUBSISTENCE USES

12 For necessary expenses of the Forest Service to man-
 13 age federal lands in Alaska for subsistence uses under title
 14 VIII of the Alaska National Interest Lands Conservation
 15 Act (Public Law 96–487), \$5,535,000, to remain available
 16 until expended.

17 ADMINISTRATIVE PROVISIONS, FOREST SERVICE

18 Appropriations to the Forest Service for the current
 19 fiscal year shall be available for: (1) purchase of not to
 20 exceed 124 passenger motor vehicles of which 21 will be
 21 used primarily for law enforcement purposes and of which
 22 124 shall be for replacement; acquisition of 25 passenger
 23 motor vehicles from excess sources, and hire of such vehi-
 24 cles; operation and maintenance of aircraft, the purchase
 25 of not to exceed seven for replacement only, and acquisi-

1 tion of sufficient aircraft from excess sources to maintain
2 the operable fleet at 195 aircraft for use in Forest Service
3 wildland fire programs and other Forest Service programs;
4 notwithstanding other provisions of law, existing aircraft
5 being replaced may be sold, with proceeds derived or
6 trade-in value used to offset the purchase price for the
7 replacement aircraft; (2) services pursuant to 7 U.S.C.
8 2225, and not to exceed \$100,000 for employment under
9 5 U.S.C. 3109; (3) purchase, erection, and alteration of
10 buildings and other public improvements (7 U.S.C. 2250);
11 (4) acquisition of land, waters, and interests therein pur-
12 suant to 7 U.S.C. 428a; (5) for expenses pursuant to the
13 Volunteers in the National Forest Act of 1972 (16 U.S.C.
14 558a, 558d, and 558a note); (6) the cost of uniforms as
15 authorized by 5 U.S.C. 5901–5902; and (7) for debt col-
16 lection contracts in accordance with 31 U.S.C. 3718(c).

17 None of the funds made available under this Act shall
18 be obligated or expended to abolish any region, to move
19 or close any regional office for National Forest System
20 administration of the Forest Service, Department of Agri-
21 culture without the consent of the House and Senate Com-
22 mittees on Appropriations.

23 Any appropriations or funds available to the Forest
24 Service may be transferred to the Wildland Fire Manage-
25 ment appropriation for forest firefighting, emergency re-

1 habilitation of burned-over or damaged lands or waters
2 under its jurisdiction, and fire preparedness due to severe
3 burning conditions if and only if all previously appro-
4 priated emergency contingent funds under the heading
5 “Wildland Fire Management” have been released by the
6 President and apportioned and all funds under the head-
7 ing “Wildland Fire Management” are obligated.

8 Funds appropriated to the Forest Service shall be
9 available for assistance to or through the Agency for Inter-
10 national Development and the Foreign Agricultural Serv-
11 ice in connection with forest and rangeland research, tech-
12 nical information, and assistance in foreign countries, and
13 shall be available to support forestry and related natural
14 resource activities outside the United States and its terri-
15 tories and possessions, including technical assistance, edu-
16 cation and training, and cooperation with United States
17 and international organizations.

18 None of the funds made available to the Forest Serv-
19 ice under this Act shall be subject to transfer under the
20 provisions of section 702(b) of the Department of Agri-
21 culture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C.
22 147b unless the proposed transfer is approved in advance
23 by the House and Senate Committees on Appropriations
24 in compliance with the reprogramming procedures con-
25 tained in the House report accompanying this Act.

1 None of the funds available to the Forest Service may
2 be reprogrammed without the advance approval of the
3 House and Senate Committees on Appropriations in ac-
4 cordance with the procedures contained in the House re-
5 port accompanying this Act.

6 No funds available to the Forest Service shall be
7 transferred to the Working Capital Fund of the Depart-
8 ment of Agriculture that exceed the total amount trans-
9 ferred during fiscal year 2000 for such purposes without
10 the advance approval of the House and Senate Committees
11 on Appropriations.

12 Funds available to the Forest Service shall be avail-
13 able to conduct a program of not less than \$2,000,000
14 for high priority projects within the scope of the approved
15 budget which shall be carried out by the Youth Conserva-
16 tion Corps.

17 Of the funds available to the Forest Service, \$2,500
18 is available to the Chief of the Forest Service for official
19 reception and representation expenses.

20 Pursuant to sections 405(b) and 410(b) of Public
21 Law 101–593, of the funds available to the Forest Service,
22 \$3,000,000 may be advanced in a lump sum to the Na-
23 tional Forest Foundation to aid conservation partnership
24 projects in support of the Forest Service mission, without
25 regard to when the Foundation incurs expenses, for ad-

1 ministrative expenses or projects on or benefitting Na-
2 tional Forest System lands or related to Forest Service
3 programs: *Provided*, That of the Federal funds made
4 available to the Foundation, no more than \$300,000 shall
5 be available for administrative expenses: *Provided further*,
6 That the Foundation shall obtain, by the end of the period
7 of Federal financial assistance, private contributions to
8 match on at least one-for-one basis funds made available
9 by the Forest Service: *Provided further*, That the Founda-
10 tion may transfer Federal funds to a non-Federal recipient
11 for a project at the same rate that the recipient has ob-
12 tained the non-Federal matching funds: *Provided further*,
13 That authorized investments of Federal funds held by the
14 Foundation may be made only in interest-bearing obliga-
15 tions of the United States or in obligations guaranteed as
16 to both principal and interest by the United States.

17 Pursuant to section 2(b)(2) of Public Law 98-244,
18 \$2,650,000 of the funds available to the Forest Service
19 shall be available for matching funds to the National Fish
20 and Wildlife Foundation, as authorized by 16 U.S.C.
21 3701-3709, and may be advanced in a lump sum to aid
22 conservation partnership projects in support of the Forest
23 Service mission, without regard to when expenses are in-
24 curred, for projects on or benefitting National Forest Sys-
25 tem lands or related to Forest Service programs: *Provided*,

1 That the Foundation shall obtain, by the end of the period
2 of Federal financial assistance, private contributions to
3 match on at least one-for-one basis funds advanced by the
4 Forest Service: *Provided further*, That the Foundation
5 may transfer Federal funds to a non-Federal recipient for
6 a project at the same rate that the recipient has obtained
7 the non-Federal matching funds.

8 Funds appropriated to the Forest Service shall be
9 available for interactions with and providing technical as-
10 sistance to rural communities for sustainable rural devel-
11 opment purposes.

12 Funds appropriated to the Forest Service shall be
13 available for payments to counties within the Columbia
14 River Gorge National Scenic Area, pursuant to sections
15 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–
16 663.

17 Not later than 60 days after the date of the enact-
18 ment of this Act, the Secretary of Agriculture shall submit
19 to Congress, and make available to interested persons, a
20 report containing the results of a management review of
21 outfitter and guiding operations in the John Muir, Ansel
22 Adams, and Dinkey Lakes Wilderness Areas of the Inyo
23 and Sierra National Forests, California. The report shall
24 include information regarding: (1) how the Secretary in-
25 tends to minimize adverse impacts on the historic access

1 rights of special use permittees in these three wilderness
2 areas; and (2) how the Secretary intends to ensure timely
3 compliance with the requirements of the National Envi-
4 ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

5 Notwithstanding any other provision of law, any ap-
6 propriations or funds available to the Forest Service not
7 to exceed \$500,000 may be used to reimburse the Office
8 of the General Counsel (OGC), Department of Agri-
9 culture, for travel and related expenses incurred as a re-
10 sult of OGC assistance or participation requested by the
11 Forest Service at meetings, training sessions, management
12 reviews, land purchase negotiations and similar non-litiga-
13 tion related matters. Future budget justifications for both
14 the Forest Service and the Department of Agriculture
15 should clearly display the sums previously transferred and
16 the requested funding transfers.

17 Any appropriations or funds available to the Forest
18 Service may be used for necessary expenses in the event
19 of law enforcement emergencies as necessary to protect
20 natural resources and public or employee safety: *Provided,*
21 That such amounts shall not exceed \$1,000,000.

22 The Secretary of Agriculture may authorize the sale
23 of excess buildings, facilities, and other properties owned
24 by the Forest Service and located on the Green Mountain
25 National Forest, the revenues of which shall be retained

1 by the Forest Service and available to the Secretary with-
2 out further appropriation and until expended for mainte-
3 nance and rehabilitation activities on the Green Mountain
4 National Forest.

5 The Secretary of Agriculture may transfer or reim-
6 burse funds available to the Forest Service, not to exceed
7 \$15,000,000, to the Secretary of the Interior or the Sec-
8 retary of Commerce to expedite conferencing and consulta-
9 tions as required under section 7 of the Endangered Spe-
10 cies Act, 16 U.S.C. 1536. The amount of the transfer or
11 reimbursement shall be as mutually agreed by the Sec-
12 retary of Agriculture and the Secretary of the Interior or
13 Secretary of Commerce, as applicable, or their designees.
14 The amount shall in no case exceed the actual costs of
15 consultation and conferencing.

16 Beginning on June 30, 2001 and concluding on De-
17 cember 31, 2004, an eligible individual who is employed
18 in any project funded under Title V of the Older American
19 Act of 1965 (42 U.S.C. 3056 et seq.) and administered
20 by the Forest Service shall be considered to be a Federal
21 employee for purposes of chapter 171 of title 28, United
22 States Code.

DEPARTMENT OF ENERGY

CLEAN COAL TECHNOLOGY

(DEFERRAL)

Of the funds made available under this heading for obligation in prior years, \$86,000,000 shall not be available until October 1, 2004: *Provided*, That funds made available in previous appropriations Acts shall be available for any ongoing project regardless of the separate request for proposal under which the project was selected.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), \$609,290,000 to remain available until expended, of which \$2,000,000 is to continue a multi-year project for construction, renovation, furnishing, and demolition or removal of buildings at National Energy Technology Laboratory facilities in Morgantown, West Virginia

1 and Pittsburgh, Pennsylvania; and of which \$130,000,000
2 are to be made available, after coordination with the pri-
3 vate sector, for a request for proposals for a Clean Coal
4 Power Initiative providing for competitively-awarded re-
5 search, development, and demonstration projects to reduce
6 the barriers to continued and expanded coal use: *Provided*,
7 That no project may be selected for which sufficient fund-
8 ing is not available to provide for the total project: *Pro-*
9 *vided further*, That funds shall be expended in accordance
10 with the provisions governing the use of funds contained
11 under the heading “Clean Coal Technology” in 42 U.S.C.
12 5903d: *Provided further*, That the Department may in-
13 clude provisions for repayment of Government contribu-
14 tions to individual projects in an amount up to the Govern-
15 ment contribution to the project on terms and conditions
16 that are acceptable to the Department including repay-
17 ments from sale and licensing of technologies from both
18 domestic and foreign transactions: *Provided further*, That
19 such repayments shall be retained by the Department for
20 future coal-related research, development and demonstra-
21 tion projects: *Provided further*, That any technology se-
22 lected under this program shall be considered a Clean Coal
23 Technology, and any project selected under this program
24 shall be considered a Clean Coal Technology Project, for
25 the purposes of 42 U.S.C. 7651n, and Chapters 51, 52,

1 and 60 of title 40 of the Code of Federal Regulations:
2 *Provided further*, That no part of the sum herein made
3 available shall be used for the field testing of nuclear ex-
4 plosives in the recovery of oil and gas: *Provided further*,
5 That up to 4 percent of program direction funds available
6 to the National Energy Technology Laboratory may be
7 used to support Department of Energy activities not in-
8 cluded in this account.

9 NAVAL PETROLEUM AND OIL SHALE RESERVES

10 For expenses necessary to carry out naval petroleum
11 and oil shale reserve activities, \$20,500,000, to remain
12 available until expended: *Provided*, That, notwithstanding
13 any other provision of law, unobligated funds remaining
14 from prior years shall be available for all naval petroleum
15 and oil shale reserve activities.

16 ELK HILLS SCHOOL LANDS FUND

17 For necessary expenses in fulfilling installment pay-
18 ments under the Settlement Agreement entered into by
19 the United States and the State of California on October
20 11, 1996, as authorized by section 3415 of Public Law
21 104–106, \$36,000,000, to become available on October 1,
22 2004 for payment to the State of California for the State
23 Teachers’ Retirement Fund from the Elk Hills School
24 Lands Fund.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, \$879,487,000 (increased by \$15,000,000, reduced by \$15,000,000), to remain available until expended: *Provided*, That \$270,000,000 (increased by \$15,000,000) shall be for use in energy conservation grant programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99–509, such sums shall be allocated to the eligible programs as follows: \$225,000,000 (increased by \$15,000,000) for weatherization assistance grants and \$45,000,000 for State energy program grants.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Office of Hearings and Appeals, \$1,047,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$175,081,000, to remain available until expended.

1 NORTHEAST HOME HEATING OIL RESERVE

2 For necessary expenses for Northeast Home Heating
3 Oil Reserve storage, operations, and management activi-
4 ties pursuant to the Energy Policy and Conservation Act
5 of 2000, \$5,000,000, to remain available until expended.

6 ENERGY INFORMATION ADMINISTRATION

7 For necessary expenses in carrying out the activities
8 of the Energy Information Administration, \$82,111,000,
9 to remain available until expended.

10 ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

11 Appropriations under this Act for the current fiscal
12 year shall be available for hire of passenger motor vehicles;
13 hire, maintenance, and operation of aircraft; purchase, re-
14 pair, and cleaning of uniforms; and reimbursement to the
15 General Services Administration for security guard serv-
16 ices.

17 From appropriations under this Act, transfers of
18 sums may be made to other agencies of the Government
19 for the performance of work for which the appropriation
20 is made.

21 None of the funds made available to the Department
22 of Energy under this Act shall be used to implement or
23 finance authorized price support or loan guarantee pro-
24 grams unless specific provision is made for such programs
25 in an appropriations Act.

1 The Secretary is authorized to accept lands, build-
2 ings, equipment, and other contributions from public and
3 private sources and to prosecute projects in cooperation
4 with other agencies, Federal, State, private or foreign:
5 *Provided*, That revenues and other moneys received by or
6 for the account of the Department of Energy or otherwise
7 generated by sale of products in connection with projects
8 of the Department appropriated under this Act may be
9 retained by the Secretary of Energy, to be available until
10 expended, and used only for plant construction, operation,
11 costs, and payments to cost-sharing entities as provided
12 in appropriate cost-sharing contracts or agreements: *Pro-*
13 *vided further*, That the remainder of revenues after the
14 making of such payments shall be covered into the Treas-
15 ury as miscellaneous receipts: *Provided further*, That any
16 contract, agreement, or provision thereof entered into by
17 the Secretary pursuant to this authority shall not be exe-
18 cuted prior to the expiration of 30 calendar days (not in-
19 cluding any day in which either House of Congress is not
20 in session because of adjournment of more than 3 calendar
21 days to a day certain) from the receipt by the Speaker
22 of the House of Representatives and the President of the
23 Senate of a full comprehensive report on such project, in-
24 cluding the facts and circumstances relied upon in support
25 of the proposed project.

1 No funds provided in this Act may be expended by
 2 the Department of Energy to prepare, issue, or process
 3 procurement documents for programs or projects for
 4 which appropriations have not been made.

5 In addition to other authorities set forth in this Act,
 6 the Secretary may accept fees and contributions from pub-
 7 lic and private sources, to be deposited in a contributed
 8 funds account, and prosecute projects using such fees and
 9 contributions in cooperation with other Federal, State or
 10 private agencies or concerns.

11 DEPARTMENT OF HEALTH AND HUMAN 12 SERVICES

13 INDIAN HEALTH SERVICE

14 INDIAN HEALTH SERVICES

15 For expenses necessary to carry out the Act of Au-
 16 gust 5, 1954 (68 Stat. 674), the Indian Self-Determina-
 17 tion Act, the Indian Health Care Improvement Act, and
 18 titles II and III of the Public Health Service Act with re-
 19 spect to the Indian Health Service, \$2,556,082,000, to-
 20 gether with payments received during the fiscal year pur-
 21 suant to 42 U.S.C. 238(b) for services furnished by the
 22 Indian Health Service: *Provided*, That funds made avail-
 23 able to tribes and tribal organizations through contracts,
 24 grant agreements, or any other agreements or compacts
 25 authorized by the Indian Self-Determination and Edu-

1 cation Assistance Act of 1975 (25 U.S.C. 450), shall be
2 deemed to be obligated at the time of the grant or contract
3 award and thereafter shall remain available to the tribe
4 or tribal organization without fiscal year limitation: *Pro-*
5 *vided further*, That \$18,000,000 shall remain available
6 until expended, for the Indian Catastrophic Health Emer-
7 gency Fund: *Provided further*, That \$460,046,000 for con-
8 tract medical care shall remain available for obligation
9 until September 30, 2005: *Provided further*, That of the
10 funds provided, up to \$27,000,000 to remain available
11 until expended, shall be used to carry out the loan repay-
12 ment program under section 108 of the Indian Health
13 Care Improvement Act: *Provided further*, That funds pro-
14 vided in this Act may be used for 1-year contracts and
15 grants which are to be performed in 2 fiscal years, so long
16 as the total obligation is recorded in the year for which
17 the funds are appropriated: *Provided further*, That the
18 amounts collected by the Secretary of Health and Human
19 Services under the authority of title IV of the Indian
20 Health Care Improvement Act shall remain available until
21 expended for the purpose of achieving compliance with the
22 applicable conditions and requirements of titles XVIII and
23 XIX of the Social Security Act (exclusive of planning, de-
24 sign, or construction of new facilities): *Provided further*,
25 That funding contained herein, and in any earlier appro-

1 priations Acts for scholarship programs under the Indian
2 Health Care Improvement Act (25 U.S.C. 1613) shall re-
3 main available until expended: *Provided further*, That
4 amounts received by tribes and tribal organizations under
5 title IV of the Indian Health Care Improvement Act shall
6 be reported and accounted for and available to the receiv-
7 ing tribes and tribal organizations until expended: *Pro-*
8 *vided further*, That, notwithstanding any other provision
9 of law, of the amounts provided herein, not to exceed
10 \$270,734,000 shall be for payments to tribes and tribal
11 organizations for contract or grant support costs associ-
12 ated with contracts, grants, self-governance compacts or
13 annual funding agreements between the Indian Health
14 Service and a tribe or tribal organization pursuant to the
15 Indian Self-Determination Act of 1975, as amended, prior
16 to or during fiscal year 2004, of which not to exceed
17 \$2,500,000 may be used for contract support costs associ-
18 ated with new or expanded self-determination contracts,
19 grants, self-governance compacts or annual funding agree-
20 ments: *Provided further*, That funds available for the In-
21 dian Health Care Improvement Fund may be used, as
22 needed, to carry out activities typically funded under the
23 Indian Health Facilities account.

INDIAN HEALTH FACILITIES

1
2 For construction, repair, maintenance, improvement,
3 and equipment of health and related auxiliary facilities,
4 including quarters for personnel; preparation of plans,
5 specifications, and drawings; acquisition of sites, purchase
6 and erection of modular buildings, and purchases of trail-
7 ers; and for provision of domestic and community sanita-
8 tion facilities for Indians, as authorized by section 7 of
9 the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian
10 Self-Determination Act, and the Indian Health Care Im-
11 provement Act, and for expenses necessary to carry out
12 such Acts and titles II and III of the Public Health Serv-
13 ice Act with respect to environmental health and facilities
14 support activities of the Indian Health Service,
15 \$392,560,000, to remain available until expended: *Pro-*
16 *vided*, That notwithstanding any other provision of law,
17 funds appropriated for the planning, design, construction
18 or renovation of health facilities for the benefit of an In-
19 dian tribe or tribes may be used to purchase land for sites
20 to construct, improve, or enlarge health or related facili-
21 ties: *Provided further*, That from the funds appropriated
22 herein, \$5,000,000 shall be designated by the Indian
23 Health Service as a contribution to the Yukon-Kuskokwim
24 Health Corporation (YKHC) to complete a priority project
25 for the acquisition of land, planning, design and construc-

tion of 79 staff quarters in the Bethel service area, pursuant to the negotiated project agreement between the YKHC and the Indian Health Service: *Provided further*, That this project shall not be subject to the construction provisions of the Indian Self-Determination and Education Assistance Act and shall be removed from the Indian Health Service priority list upon completion: *Provided further*, That the Federal Government shall not be liable for any property damages or other construction claims that may arise from YKHC undertaking this project: *Provided further*, That the land shall be owned or leased by the YKHC and title to quarters shall remain vested with the YKHC: *Provided further*, That not to exceed \$500,000 shall be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: *Provided further*, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development: *Provided further*, That not to exceed \$500,000 shall be used by the Indian Health Service to obtain ambulances for the Indian Health Service and tribal facilities in conjunction with an existing interagency agreement between the Indian Health

1 Service and the General Services Administration: *Provided*
2 *further*, That not to exceed \$500,000 shall be placed in
3 a Demolition Fund, available until expended, to be used
4 by the Indian Health Service for demolition of Federal
5 buildings.

6 ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

7 Appropriations in this Act to the Indian Health Serv-
8 ice shall be available for services as authorized by 5 U.S.C.
9 3109 but at rates not to exceed the per diem rate equiva-
10 lent to the maximum rate payable for senior-level positions
11 under 5 U.S.C. 5376; hire of passenger motor vehicles and
12 aircraft; purchase of medical equipment; purchase of re-
13 prints; purchase, renovation and erection of modular
14 buildings and renovation of existing facilities; payments
15 for telephone service in private residences in the field,
16 when authorized under regulations approved by the Sec-
17 retary; and for uniforms or allowances therefor as author-
18 ized by 5 U.S.C. 5901–5902; and for expenses of attend-
19 ance at meetings which are concerned with the functions
20 or activities for which the appropriation is made or which
21 will contribute to improved conduct, supervision, or man-
22 agement of those functions or activities.

23 In accordance with the provisions of the Indian
24 Health Care Improvement Act, non-Indian patients may
25 be extended health care at all tribally administered or In-

1 dian Health Service facilities, subject to charges, and the
2 proceeds along with funds recovered under the Federal
3 Medical Care Recovery Act (42 U.S.C. 2651–2653) shall
4 be credited to the account of the facility providing the
5 service and shall be available without fiscal year limitation.
6 Notwithstanding any other law or regulation, funds trans-
7 ferred from the Department of Housing and Urban Devel-
8 opment to the Indian Health Service shall be administered
9 under Public Law 86–121 (the Indian Sanitation Facili-
10 ties Act) and Public Law 93–638, as amended.

11 Funds appropriated to the Indian Health Service in
12 this Act, except those used for administrative and program
13 direction purposes, shall not be subject to limitations di-
14 rected at curtailing Federal travel and transportation.

15 Notwithstanding any other provision of law, funds
16 previously or herein made available to a tribe or tribal or-
17 ganization through a contract, grant, or agreement au-
18 thorized by title I or title III of the Indian Self-Determina-
19 tion and Education Assistance Act of 1975 (25 U.S.C.
20 450), may be deobligated and reobligated to a self-deter-
21 mination contract under title I, or a self-governance agree-
22 ment under title III of such Act and thereafter shall re-
23 main available to the tribe or tribal organization without
24 fiscal year limitation.

1 None of the funds made available to the Indian
2 Health Service in this Act shall be used to implement the
3 final rule published in the Federal Register on September
4 16, 1987, by the Department of Health and Human Serv-
5 ices, relating to the eligibility for the health care services
6 of the Indian Health Service until the Indian Health Serv-
7 ice has submitted a budget request reflecting the increased
8 costs associated with the proposed final rule, and such re-
9 quest has been included in an appropriations Act and en-
10 acted into law.

11 With respect to functions transferred by the Indian
12 Health Service to tribes or tribal organizations, the Indian
13 Health Service is authorized to provide goods and services
14 to those entities, on a reimbursable basis, including pay-
15 ment in advance with subsequent adjustment. The reim-
16 bursements received therefrom, along with the funds re-
17 ceived from those entities pursuant to the Indian Self-De-
18 termination Act, may be credited to the same or subse-
19 quent appropriation account which provided the funding.
20 Such amounts shall remain available until expended.

21 Reimbursements for training, technical assistance, or
22 services provided by the Indian Health Service will contain
23 total costs, including direct, administrative, and overhead
24 associated with the provision of goods, services, or tech-
25 nical assistance.

1 The appropriation structure for the Indian Health
2 Service may not be altered without advance approval of
3 the House and Senate Committees on Appropriations.

4 OTHER RELATED AGENCIES

5 OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

6 SALARIES AND EXPENSES

7 For necessary expenses of the Office of Navajo and
8 Hopi Indian Relocation as authorized by Public Law 93–
9 531, \$13,532,000, to remain available until expended:

10 *Provided*, That funds provided in this or any other appro-
11 priations Act are to be used to relocate eligible individuals
12 and groups including evictees from District 6, Hopi-parti-
13 tioned lands residents, those in significantly substandard
14 housing, and all others certified as eligible and not in-
15 cluded in the preceding categories: *Provided further*, That
16 none of the funds contained in this or any other Act may
17 be used by the Office of Navajo and Hopi Indian Reloca-
18 tion to evict any single Navajo or Navajo family who, as
19 of November 30, 1985, was physically domiciled on the
20 lands partitioned to the Hopi Tribe unless a new or re-
21 placement home is provided for such household: *Provided*
22 *further*, That no relocatee will be provided with more than
23 one new or replacement home: *Provided further*, That the
24 Office shall relocate any certified eligible relocatees who
25 have selected and received an approved homesite on the

1 Navajo reservation or selected a replacement residence off
 2 the Navajo reservation or on the land acquired pursuant
 3 to 25 U.S.C. 640d-10.

4 INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE
 5 CULTURE AND ARTS DEVELOPMENT

6 PAYMENT TO THE INSTITUTE

7 For payment to the Institute of American Indian and
 8 Alaska Native Culture and Arts Development, as author-
 9 ized by title XV of Public Law 99-498, as amended (20
 10 U.S.C. 56 part A), \$5,250,000.

11 SMITHSONIAN INSTITUTION

12 SALARIES AND EXPENSES

13 For necessary expenses of the Smithsonian Institu-
 14 tion, as authorized by law, including research in the fields
 15 of art, science, and history; development, preservation, and
 16 documentation of the National Collections; presentation of
 17 public exhibits and performances; collection, preparation,
 18 dissemination, and exchange of information and publica-
 19 tions; conduct of education, training, and museum assist-
 20 ance programs; maintenance, alteration, operation, lease
 21 (for terms not to exceed 30 years), and protection of build-
 22 ings, facilities, and approaches; not to exceed \$100,000
 23 for services as authorized by 5 U.S.C. 3109; up to five
 24 replacement passenger vehicles; purchase, rental, repair,
 25 and cleaning of uniforms for employees, \$489,748,000, of

1 which not to exceed \$46,903,000 for the instrumentation
2 program, collections acquisition, exhibition reinstallation,
3 the National Museum of the American Indian, and the re-
4 patriation of skeletal remains program shall remain avail-
5 able until expended; and of which \$828,000 for fellowships
6 and scholarly awards shall remain available until Sep-
7 tember 30, 2005; and including such funds as may be nec-
8 essary to support American overseas research centers and
9 a total of \$125,000 for the Council of American Overseas
10 Research Centers: *Provided*, That funds appropriated
11 herein are available for advance payments to independent
12 contractors performing research services or participating
13 in official Smithsonian presentations: *Provided further*,
14 That the Smithsonian Institution may expend Federal ap-
15 propriations designated in this Act for lease or rent pay-
16 ments for long term and swing space, as rent payable to
17 the Smithsonian Institution, and such rent payments may
18 be deposited into the general trust funds of the Institution
19 to the extent that federally supported activities are housed
20 in the 900 H Street, N.W. building in the District of Co-
21 lumbia: *Provided further*, That this use of Federal appro-
22 priations shall not be construed as debt service, a Federal
23 guarantee of, a transfer of risk to, or an obligation of,
24 the Federal Government: *Provided further*, That no appro-
25 priated funds may be used to service debt which is in-

1 curred to finance the costs of acquiring the 900 H Street
 2 building or of planning, designing, and constructing im-
 3 provements to such building.

4 FACILITIES CAPITAL

5 For necessary expenses of repair, revitalization, and
 6 alteration of facilities owned or occupied by the Smithso-
 7 nian Institution, by contract or otherwise, as authorized
 8 by section 2 of the Act of August 22, 1949 (63 Stat. 623),
 9 and for construction, including necessary personnel,
 10 \$93,970,000, to remain available until expended, of which
 11 not to exceed \$10,000 is for services as authorized by 5
 12 U.S.C. 3109: *Provided*, That contracts awarded for envi-
 13 ronmental systems, protection systems, and repair or res-
 14 toration of facilities of the Smithsonian Institution may
 15 be negotiated with selected contractors and awarded on
 16 the basis of contractor qualifications as well as price: *Pro-*
 17 *vided further*, That balances from amounts previously ap-
 18 propriated under the headings "Repair, Restoration and
 19 Alteration of Facilities" and "Construction" shall be
 20 transferred to and merged with this appropriation and
 21 shall remain until expended.

22 ADMINISTRATIVE PROVISIONS, SMITHSONIAN 23 INSTITUTION

24 None of the funds in this or any other Act may be
 25 used to make any changes to the existing Smithsonian

1 science programs including closure of facilities, relocation
2 of staff or redirection of functions and programs without
3 approval from the Board of Regents of recommendations
4 received from the Science Commission.

5 None of the funds in this or any other Act may be
6 used to initiate the design for any proposed expansion of
7 current space or new facility without consultation with the
8 House and Senate Appropriations Committees.

9 None of the funds in this or any other Act may be
10 used for the Holt House located at the National Zoological
11 Park in Washington, D.C., unless identified as repairs to
12 minimize water damage, monitor structure movement, or
13 provide interim structural support.

14 None of the funds available to the Smithsonian may
15 be reprogrammed without the advance written approval of
16 the House and Senate Committees on Appropriations in
17 accordance with the procedures contained in the House
18 report accompanying this Act.

19 The Secretary of the Smithsonian Institution may es-
20 tablish a voluntary separation incentive program substan-
21 tially similar to the program established under section
22 1313(a) of the “Homeland Security Act of 2002” (Public
23 Law 107–296, 116 Stat. 2135) for individuals serving in
24 civil service positions in the Smithsonian Institution.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$88,849,000, of which not to exceed \$3,026,000 for

1 the special exhibition program shall remain available until
2 expended.

3 REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

4 For necessary expenses of repair, restoration and
5 renovation of buildings, grounds and facilities owned or
6 occupied by the National Gallery of Art, by contract or
7 otherwise, as authorized, \$11,600,000, to remain available
8 until expended: *Provided*, That contracts awarded for envi-
9 ronmental systems, protection systems, and exterior repair
10 or renovation of buildings of the National Gallery of Art
11 may be negotiated with selected contractors and awarded
12 on the basis of contractor qualifications as well as price.

13 JOHN F. KENNEDY CENTER FOR THE PERFORMING
14 ARTS

15 OPERATIONS AND MAINTENANCE

16 For necessary expenses for the operation, mainte-
17 nance and security of the John F. Kennedy Center for
18 the Performing Arts, \$16,560,000.

19 CONSTRUCTION

20 For necessary expenses for capital repair and restora-
21 tion of the existing features of the building and site of
22 the John F. Kennedy Center for the Performing Arts,
23 \$16,000,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR
SCHOLARS
SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$8,604,000.

NATIONAL FOUNDATION ON THE ARTS AND THE
HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS
GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$117,480,000 (increased by \$10,000,000), shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to organizations and individuals pursuant to sections 5(c) and 5(g) of the Act, including \$17,000,000 (increased by \$10,000,000) for support of arts education and public outreach activities through the Challenge America program, for program support, and for administering the functions of the Act, to remain available until expended: *Provided*, That funds previously appropriated to the National Endowment for the Arts “Match-

ing Grants” account and “Challenge America” account
may be transferred to and merged with this account.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National
Foundation on the Arts and the Humanities Act of 1965,
as amended, \$120,878,000 (increased by \$5,000,000),
shall be available to the National Endowment for the Hu-
manities for support of activities in the humanities, pursu-
ant to section 7(c) of the Act, and for administering the
functions of the Act, to remain available until expended.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the
National Foundation on the Arts and the Humanities Act
of 1965, as amended, \$16,122,000, to remain available
until expended, of which \$10,436,000 shall be available
to the National Endowment for the Humanities for the
purposes of section 7(h): *Provided*, That this appropria-
tion shall be available for obligation only in such amounts
as may be equal to the total amounts of gifts, bequests,
and devises of money, and other property accepted by the
chairman or by grantees of the Endowment under the pro-
visions of subsections 11(a)(2)(B) and 11(a)(3)(B) during
the current and preceding fiscal years for which equal
amounts have not previously been appropriated.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: *Provided further*, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: *Provided further*, That the Chairperson of the National Endowment for the Arts may approve grants up to \$10,000, if in the aggregate this amount does not exceed 5 percent of the sums appropriated for grant making purposes per year: *Provided further*, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$1,422,000: *Provided*, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting col-

1 lection, to remain available until expended without further
 2 appropriation.

3 NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

4 For necessary expenses as authorized by Public Law
 5 99–190 (20 U.S.C. 956(a)), as amended, \$7,000,000.

6 ADMINISTRATIVE PROVISION

7 None of the funds appropriated in this or any other
 8 Act, except funds appropriated to the Office of Manage-
 9 ment and Budget, shall be available to study the alteration
 10 or transfer of the National Capital Arts and Cultural Af-
 11 fairs program.

12 ADVISORY COUNCIL ON HISTORIC PRESERVATION

13 SALARIES AND EXPENSES

14 For necessary expenses of the Advisory Council on
 15 Historic Preservation (Public Law 89–665, as amended),
 16 \$4,100,000: *Provided*, That none of these funds shall be
 17 available for compensation of level V of the Executive
 18 Schedule or higher positions.

19 NATIONAL CAPITAL PLANNING COMMISSION

20 SALARIES AND EXPENSES

21 For necessary expenses, as authorized by the Na-
 22 tional Capital Planning Act of 1952 (40 U.S.C. 71–71i),
 23 including services as authorized by 5 U.S.C. 3109,
 24 \$7,730,000: *Provided*, That for fiscal year 2004 and there-
 25 after, all appointed members of the Commission will be

1 compensated at a rate not to exceed the daily equivalent
2 of the annual rate of pay for positions at level IV of the
3 Executive Schedule for each day such member is engaged
4 in the actual performance of duties.

5 UNITED STATES HOLOCAUST MEMORIAL MUSEUM

6 HOLOCAUST MEMORIAL MUSEUM

7 For expenses of the Holocaust Memorial Museum, as
8 authorized by Public Law 106–292 (36 U.S.C. 2301–
9 2310), \$39,997,000, of which \$1,900,000 for the muse-
10 um’s repair and rehabilitation program and \$1,264,000
11 for the museum’s exhibitions program shall remain avail-
12 able until expended.

13 PRESIDIO TRUST

14 PRESIDIO TRUST FUND

15 For necessary expenses to carry out title I of the Om-
16 nibus Parks and Public Lands Management Act of 1996,
17 \$20,700,000 shall be available to the Presidio Trust, to
18 remain available until expended.

19 TITLE III—GENERAL PROVISIONS

20 SEC. 301. The expenditure of any appropriation
21 under this Act for any consulting service through procure-
22 ment contract, pursuant to 5 U.S.C. 3109, shall be limited
23 to those contracts where such expenditures are a matter
24 of public record and available for public inspection, except

1 where otherwise provided under existing law, or under ex-
2 isting Executive Order issued pursuant to existing law.

3 SEC. 302. No part of any appropriation contained in
4 this Act shall be available for any activity or the publica-
5 tion or distribution of literature that in any way tends to
6 promote public support or opposition to any legislative
7 proposal on which congressional action is not complete.

8 SEC. 303. No part of any appropriation contained in
9 this Act shall remain available for obligation beyond the
10 current fiscal year unless expressly so provided herein.

11 SEC. 304. None of the funds provided in this Act to
12 any department or agency shall be obligated or expended
13 to provide a personal cook, chauffeur, or other personal
14 servants to any officer or employee of such department
15 or agency except as otherwise provided by law.

16 SEC. 305. No assessments, charges, or billings may
17 be levied against any program, budget activity, subactivity,
18 or project funded by this Act unless advance notice of such
19 assessments, charges, or billings and the basis therefor are
20 presented to the House and Senate Committees on Appro-
21 priations and are approved by such Committees.

22 SEC. 306. None of the funds in this Act may be used
23 to plan, prepare, or offer for sale timber from trees classi-
24 fied as giant sequoia (*Sequoiadendron giganteum*) which
25 are located on National Forest System or Bureau of Land

1 Management lands in a manner different than such sales
2 were conducted in fiscal year 2002.

3 SEC. 307. (a) LIMITATION OF FUNDS.—None of the
4 funds appropriated or otherwise made available pursuant
5 to this Act shall be obligated or expended to accept or
6 process applications for a patent for any mining or mill
7 site claim located under the general mining laws.

8 (b) EXCEPTIONS.—The provisions of subsection (a)
9 shall not apply if the Secretary of the Interior determines
10 that, for the claim concerned: (1) a patent application was
11 filed with the Secretary on or before September 30, 1994;
12 and (2) all requirements established under sections 2325
13 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30)
14 for vein or lode claims and sections 2329, 2330, 2331,
15 and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and
16 37) for placer claims, and section 2337 of the Revised
17 Statutes (30 U.S.C. 42) for mill site claims, as the case
18 may be, were fully complied with by the applicant by that
19 date.

20 (c) REPORT.—On September 30, 2004, the Secretary
21 of the Interior shall file with the House and Senate Com-
22 mittees on Appropriations and the Committee on Re-
23 sources of the House of Representatives and the Com-
24 mittee on Energy and Natural Resources of the Senate
25 a report on actions taken by the Department under the

1 plan submitted pursuant to section 314(c) of the Depart-
2 ment of the Interior and Related Agencies Appropriations
3 Act, 1997 (Public Law 104–208).

4 (d) MINERAL EXAMINATIONS.—In order to process
5 patent applications in a timely and responsible manner,
6 upon the request of a patent applicant, the Secretary of
7 the Interior shall allow the applicant to fund a qualified
8 third-party contractor to be selected by the Bureau of
9 Land Management to conduct a mineral examination of
10 the mining claims or mill sites contained in a patent appli-
11 cation as set forth in subsection (b). The Bureau of Land
12 Management shall have the sole responsibility to choose
13 and pay the third-party contractor in accordance with the
14 standard procedures employed by the Bureau of Land
15 Management in the retention of third-party contractors.

16 SEC. 308. Notwithstanding any other provision of
17 law, amounts appropriated to or earmarked in committee
18 reports for the Bureau of Indian Affairs and the Indian
19 Health Service by Public Laws 103–138, 103–332, 104–
20 134, 104–208, 105–83, 105–277, 106–113, 106–291,
21 107–63, and 108–7 for payments to tribes and tribal orga-
22 nizations for contract support costs associated with self-
23 determination or self-governance contracts, grants, com-
24 pacts, or annual funding agreements with the Bureau of
25 Indian Affairs or the Indian Health Service as funded by

1 such Acts, are the total amounts available for fiscal years
2 1994 through 2003 for such purposes, except that, for the
3 Bureau of Indian Affairs, tribes and tribal organizations
4 may use their tribal priority allocations for unmet indirect
5 costs of ongoing contracts, grants, self-governance com-
6 pacts or annual funding agreements.

7 SEC. 309. Of the funds provided to the National En-
8 dowment for the Arts—

9 (1) The Chairperson shall only award a grant
10 to an individual if such grant is awarded to such in-
11 dividual for a literature fellowship, National Herit-
12 age Fellowship, or American Jazz Masters Fellow-
13 ship.

14 (2) The Chairperson shall establish procedures
15 to ensure that no funding provided through a grant,
16 except a grant made to a State or local arts agency,
17 or regional group, may be used to make a grant to
18 any other organization or individual to conduct ac-
19 tivity independent of the direct grant recipient.
20 Nothing in this subsection shall prohibit payments
21 made in exchange for goods and services.

22 (3) No grant shall be used for seasonal support
23 to a group, unless the application is specific to the
24 contents of the season, including identified programs
25 and/or projects.

1 SEC. 310. The National Endowment for the Arts and
2 the National Endowment for the Humanities are author-
3 ized to solicit, accept, receive, and invest in the name of
4 the United States, gifts, bequests, or devises of money and
5 other property or services and to use such in furtherance
6 of the functions of the National Endowment for the Arts
7 and the National Endowment for the Humanities. Any
8 proceeds from such gifts, bequests, or devises, after ac-
9 ceptance by the National Endowment for the Arts or the
10 National Endowment for the Humanities, shall be paid by
11 the donor or the representative of the donor to the Chair-
12 man. The Chairman shall enter the proceeds in a special
13 interest-bearing account to the credit of the appropriate
14 endowment for the purposes specified in each case.

15 SEC. 311. (a) In providing services or awarding fi-
16 nancial assistance under the National Foundation on the
17 Arts and the Humanities Act of 1965 from funds appro-
18 priated under this Act, the Chairperson of the National
19 Endowment for the Arts shall ensure that priority is given
20 to providing services or awarding financial assistance for
21 projects, productions, workshops, or programs that serve
22 underserved populations.

23 (b) In this section:

24 (1) The term “underserved population” means
25 a population of individuals, including urban minori-

ties, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) (applicable to a family of the size involved).

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or pro-

grams that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

SEC. 312. No part of any appropriation contained in this Act shall be expended or obligated to complete and issue the 5-year program under the Forest and Rangeland Renewable Resources Planning Act.

SEC. 313. None of the funds in this Act may be used to support Government-wide administrative functions unless such functions are justified in the budget process and funding is approved by the House and Senate Committees on Appropriations.

SEC. 314. Notwithstanding any other provision of law, none of the funds in this Act may be used for GSA Telecommunication Centers.

1 SEC. 315. Notwithstanding any other provision of
2 law, for fiscal year 2004 the Secretaries of Agriculture and
3 the Interior are authorized to limit competition for water-
4 shed restoration project contracts as part of the “Jobs in
5 the Woods” Program established in Region 10 of the For-
6 est Service to individuals and entities in historically tim-
7 ber-dependent areas in the States of Washington, Oregon,
8 northern California, Idaho, Montana, and Alaska that
9 have been affected by reduced timber harvesting on Fed-
10 eral lands. The Secretaries shall consider the benefits to
11 the local economy in evaluating bids and designing pro-
12 curements which create economic opportunities for local
13 contractors.

14 SEC. 316. Amounts deposited during fiscal year 2003
15 in the roads and trails fund provided for in the 14th para-
16 graph under the heading “FOREST SERVICE” of the
17 Act of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), shall
18 be used by the Secretary of Agriculture, without regard
19 to the State in which the amounts were derived, to repair
20 or reconstruct roads, bridges, and trails on National For-
21 est System lands or to carry out and administer projects
22 to improve forest health conditions, which may include the
23 repair or reconstruction of roads, bridges, and trails on
24 National Forest System lands in the wildland-community
25 interface where there is an abnormally high risk of fire.

1 The projects shall emphasize reducing risks to human
2 safety and public health and property and enhancing eco-
3 logical functions, long-term forest productivity, and bio-
4 logical integrity. The projects may be completed in a sub-
5 sequent fiscal year. Funds shall not be expended under
6 this section to replace funds which would otherwise appro-
7 priately be expended from the timber salvage sale fund.
8 Nothing in this section shall be construed to exempt any
9 project from any environmental law.

10 SEC. 317. Other than in emergency situations, none
11 of the funds in this Act may be used to operate telephone
12 answering machines during core business hours unless
13 such answering machines include an option that enables
14 callers to reach promptly an individual on-duty with the
15 agency being contacted.

16 SEC. 318. No timber sale in Region 10 shall be adver-
17 tised if the indicated rate is deficit when appraised using
18 a residual value approach that assigns domestic Alaska
19 values for western redcedar. Program accomplishments
20 shall be based on volume sold. Should Region 10 sell, in
21 fiscal year 2004, the annual average portion of the decadal
22 allowable sale quantity called for in the current Tongass
23 Land Management Plan in sales which are not deficit
24 when appraised using a residual value approach that as-
25 signs domestic Alaska values for western redcedar, all of

1 the western redcedar timber from those sales which is sur-
2 plus to the needs of domestic processors in Alaska, shall
3 be made available to domestic processors in the contiguous
4 48 United States at prevailing domestic prices. Should Re-
5 gion 10 sell, in fiscal year 2003, less than the annual aver-
6 age portion of the decadal allowable sale quantity called
7 for in the Tongass Land Management Plan in sales which
8 are not deficit when appraised using a residual value ap-
9 proach that assigns domestic Alaska values for western
10 redcedar, the volume of western redcedar timber available
11 to domestic processors at prevailing domestic prices in the
12 contiguous 48 United States shall be that volume: (i)
13 which is surplus to the needs of domestic processors in
14 Alaska, and (ii) is that percent of the surplus western
15 redcedar volume determined by calculating the ratio of the
16 total timber volume which has been sold on the Tongass
17 to the annual average portion of the decadal allowable sale
18 quantity called for in the current Tongass Land Manage-
19 ment Plan. The percentage shall be calculated by Region
20 10 on a rolling basis as each sale is sold (for purposes
21 of this amendment, a “rolling basis” shall mean that the
22 determination of how much western redcedar is eligible for
23 sale to various markets shall be made at the time each
24 sale is awarded). Western redcedar shall be deemed “sur-
25 plus to the needs of domestic processors in Alaska” when

1 the timber sale holder has presented to the Forest Service
2 documentation of the inability to sell western redcedar logs
3 from a given sale to domestic Alaska processors at a price
4 equal to or greater than the log selling value stated in
5 the contract. All additional western redcedar volume not
6 sold to Alaska or contiguous 48 United States domestic
7 processors may be exported to foreign markets at the elec-
8 tion of the timber sale holder. All Alaska yellow cedar may
9 be sold at prevailing export prices at the election of the
10 timber sale holder.

11 SEC. 319. A project undertaken by the Forest Service
12 under the Recreation Fee Demonstration Program as au-
13 thorized by section 315 of the Department of the Interior
14 and Related Agencies Appropriations Act for Fiscal Year
15 1996, as amended, shall not result in—

16 (1) displacement of the holder of an authoriza-
17 tion to provide commercial recreation services on
18 Federal lands. Prior to initiating any project, the
19 Secretary shall consult with potentially affected
20 holders to determine what impacts the project may
21 have on the holders. Any modifications to the au-
22 thorization shall be made within the terms and con-
23 ditions of the authorization and authorities of the
24 impacted agency;

(2) the return of a commercial recreation service to the Secretary for operation when such services have been provided in the past by a private sector provider, except when—

(A) the private sector provider fails to bid on such opportunities;

(B) the private sector provider terminates its relationship with the agency; or

(C) the agency revokes the permit for non-compliance with the terms and conditions of the authorization.

In such cases, the agency may use the Recreation Fee Demonstration Program to provide for operations until a subsequent operator can be found through the offering of a new prospectus.

SEC. 320. Prior to October 1, 2004, the Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Sec-

1 retary is not acting expeditiously and in good faith, within
2 the funding available, to revise a plan for a unit of the
3 National Forest System, this section shall be void with re-
4 spect to such plan and a court of proper jurisdiction may
5 order completion of the plan on an accelerated basis.

6 SEC. 321. No funds provided in this Act may be ex-
7 pended to conduct preleasing, leasing and related activities
8 under either the Mineral Leasing Act (30 U.S.C. 181 et
9 seq.) or the Outer Continental Shelf Lands Act (43 U.S.C.
10 1331 et seq.) within the boundaries of a National Monu-
11 ment established pursuant to the Act of June 8, 1906 (16
12 U.S.C. 431 et seq.) as such boundary existed on January
13 20, 2001, except where such activities are allowed under
14 the Presidential proclamation establishing such monu-
15 ment.

16 SEC. 322. EXTENSION OF FOREST SERVICE CONVEY-
17 ANCES PILOT PROGRAM.—Section 329 of the Department
18 of the Interior and Related Agencies Appropriations Act,
19 2002 (16 U.S.C. 580d note; Public Law 107–63) is
20 amended—

21 (1) in subsection (b), by striking “20” and in-
22 serting “30”;

23 (2) in subsection (c) by striking “3” and insert-
24 ing “8”; and

1 (3) in subsection (d), by striking “2006” and
2 inserting “2007”.

3 SEC. 323. Employees of the foundations established
4 by Acts of Congress to solicit private sector funds on be-
5 half of Federal land management agencies shall, in fiscal
6 year 2004 and thereafter, qualify for General Service Ad-
7 ministration contract airfares.

8 SEC. 324. In entering into agreements with foreign
9 countries pursuant to the Wildfire Suppression Assistance
10 Act (42 U.S.C. 1856m) the Secretary of Agriculture and
11 the Secretary of the Interior are authorized to enter into
12 reciprocal agreements in which the individuals furnished
13 under said agreements to provide fire management serv-
14 ices are considered, for purposes of tort liability, employ-
15 ees of the country receiving said services when the individ-
16 uals are engaged in fire management activities: *Provided*,
17 That the Secretary of Agriculture or the Secretary of the
18 Interior shall not enter into any agreement under this pro-
19 vision unless the foreign country (either directly or
20 through its fire organization) agrees to assume any and
21 all liability for the acts or omissions of American fire-
22 fighters engaged in firefighting in a foreign country: *Pro-*
23 *vided further*, That when an agreement is reached for fur-
24 nishing fire fighting services, the only remedies for acts
25 or omissions committed while fighting fires shall be those

1 provided under the laws of the host country, and those
2 remedies shall be the exclusive remedies for any claim arising out of fighting fires in a foreign country: *Provided further*, That neither the sending country nor any legal organization associated with the firefighter shall be subject to
3 any legal action whatsoever pertaining to or arising out
4 of the firefighter's role in fire suppression.

8 SEC. 325. A grazing permit or lease issued by the
9 Secretary of the Interior or a grazing permit issued by
10 the Secretary of Agriculture where National Forest System lands are involved that expires, is transferred, or
11 waived during fiscal year 2004 shall be renewed under section 402 of the Federal Land Policy and Management Act
12 of 1976, as amended (43 U.S.C. 1752), section 19 of the
13 Granger-Thye Act, as amended (16 U.S.C. 580l), title III
14 of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010
15 et seq.), or, if applicable, section 510 of the California
16 Desert Protection Act (16 U.S.C. 410aaa–50). The terms
17 and conditions contained in the expired, transferred, or
18 waived permit or lease shall continue in effect under the
19 renewed permit or lease until such time as the Secretary
20 of the Interior or Secretary of Agriculture as appropriate
21 completes processing of such permit or lease in compliance
22 with all applicable laws and regulations, at which time
23 such permit or lease may be canceled, suspended or modi-

1 fied, in whole or in part, to meet the requirements of such
2 applicable laws and regulations. Nothing in this section
3 shall be deemed to alter the statutory authority of the Sec-
4 retary of the Interior or the Secretary of Agriculture: *Pro-*
5 *vided*, That where National Forest System lands are in-
6 volved and the Secretary of Agriculture has renewed an
7 expired or waived grazing permit prior to or during fiscal
8 year 2004, the terms and conditions of the renewed graz-
9 ing permit shall remain in effect until such time as the
10 Secretary of Agriculture completes processing of the re-
11 newed permit in compliance with all applicable laws and
12 regulations or until the expiration of the renewed permit,
13 whichever comes first. Upon completion of the processing,
14 the permit may be canceled, suspended or modified, in
15 whole or in part, to meet the requirements of applicable
16 laws and regulations. Nothing in this section shall be
17 deemed to alter the Secretary of Agriculture's statutory
18 authority.

19 SEC. 326. Notwithstanding any other provision of law
20 or regulation, to promote the more efficient use of the
21 health care funding allocation for fiscal year 2004, the
22 Eagle Butte Service Unit of the Indian Health Service,
23 at the request of the Cheyenne River Sioux Tribe, may
24 pay base salary rates to health professionals up to the
25 highest grade and step available to a physician, phar-

1 macist, or other health professional and may pay a recruit-
2 ment or retention bonus of up to 25 percent above the
3 base pay rate.

4 SEC. 327. None of the funds made available in this
5 Act may be transferred to any department, agency, or in-
6 strumentality of the United States Government except
7 pursuant to a transfer made by, or transfer authority pro-
8 vided in, this Act or any other appropriations Act.

9 SEC. 328. PROHIBITION OF OIL AND GAS DRILLING
10 IN THE FINGER LAKES NATIONAL FOREST, NEW
11 YORK.—None of the funds in this Act may be used to
12 prepare or issue a permit or lease for oil or gas drilling
13 in the Finger Lakes National Forest, New York, during
14 fiscal year 2004.

15 SEC. 329. None of the funds made available in this
16 Act may be used for the planning, design, or construction
17 of improvements to Pennsylvania Avenue in front of the
18 White House without the advance approval of the Commit-
19 tees on Appropriations.

20 SEC. 330. In awarding a Federal Contract with funds
21 made available by this Act, the Secretary of Agriculture
22 and the Secretary of the Interior (the “Secretaries”) may,
23 in evaluating bids and proposals, give consideration to
24 local contractors who are from, and who provide employ-
25 ment and training for, dislocated and displaced workers

1 in an economically disadvantaged rural community, in-
2 cluding those historically timber-dependent areas that
3 have been affected by reduced timber harvesting on Fed-
4 eral lands and other forest-dependent rural communities
5 isolated from significant alternative employment opportu-
6 nities: *Provided*, That the Secretaries may award grants
7 or cooperative agreements to local non-profit entities,
8 Youth Conservation Corps or related partnerships with
9 State, local or non-profit youth groups, or small or dis-
10 advantaged business if the contract, grant, or cooperative
11 agreement is for forest hazardous fuels reduction, water-
12 shed or water quality monitoring or restoration, wildlife
13 or fish population monitoring, or habitat restoration or
14 management: *Provided further*, That the terms “rural
15 community” and “economically disadvantaged” shall have
16 the same meanings as in section 2374 of Public Law 101–
17 624: *Provided further*, That the Secretaries shall develop
18 guidance to implement this section: *Provided further*, That
19 nothing in this section shall be construed as relieving the
20 Secretaries of any duty under applicable procurement
21 laws, except as provided in this section.

22 SEC. 331. No funds appropriated in this Act for the
23 acquisition of lands or interests in lands may be expended
24 for the filing of declarations of taking or complaints in
25 condemnation without the approval of the House and Sen-

1 ate Committees on Appropriations: *Provided*, That this
 2 provision shall not apply to funds appropriated to imple-
 3 ment the Everglades National Park Protection and Ex-
 4 pansion Act of 1989, or to funds appropriated for federal
 5 assistance to the State of Florida to acquire lands for Ev-
 6 erglades restoration purposes.

7 SEC. 332. Section 315(f) of the Department of the
 8 Interior and Related Agencies Appropriations Act, 1996
 9 (as contained in section 101(c) of Public Law 104–134;
 10 110 Stat. 1321–200; 16 U.S.C. 460l–6a note), is
 11 amended—

12 (1) by striking “2004” and inserting “2006”;
 13 and

14 (2) by striking “2007” and inserting “2009”.

15 SEC. 333. Subsection (c) of section 551 of the Land
 16 Between the Lakes Protection Act of 1998 (16 U.S.C.
 17 460lll–61) is amended to read as follows:

18 “(c) USE OF FUNDS.—The Secretary of Agriculture
 19 may expend amounts appropriated or otherwise made
 20 available to carry out this title in a manner consistent with
 21 the authorities exercised by the Tennessee Valley Author-
 22 ity before the transfer of the Recreation Area to the ad-
 23 ministrative jurisdiction of the Secretary, including camp-
 24 ground management and visitor services, paid advertise-

1 ment, and procurement of food and supplies for resale
2 purposes.”.

3 SEC. 334. Section 339 of the Department of the Inte-
4 rior and Related Agencies Appropriations Act, 2000, as
5 enacted into law by section 1000(a)(3) of Public Law 106–
6 113 (113 Stat. 1501A–204; 16 U.S.C. 528 note), is
7 amended—

8 (1) in subsection (b)—

9 (A) in the first sentence, by striking “not
10 less than the fair market value” and inserting
11 “fees under subsection (c)”; and

12 (B) by striking the second sentence and in-
13 serting the following: “The Secretary shall es-
14 tablish appraisal methods and bidding proce-
15 dures to determine the fair market value of for-
16 est botanical products harvested under the pilot
17 program.”;

18 (2) in subsection (c), by striking paragraph (1)
19 and inserting the following new paragraph (1):

20 “(1) IMPOSITION AND COLLECTION.—Under the
21 pilot program, the Secretary of Agriculture shall
22 charge and collect from a person who harvests forest
23 botanical products on National Forest System lands
24 a fee in an amount established by the Secretary to
25 recover at least a portion of the fair market value

1 of the harvested forest botanical products and a por-
2 tion of the costs incurred by the Department of Ag-
3 riculture associated with granting, modifying, or
4 monitoring the authorization for harvest of the for-
5 est botanical products, including the costs of any en-
6 vironmental or other analysis.”;

7 (3) in subsection (d)(1), by striking “charges
8 and fees under subsections (b) and” and inserting
9 “a fee under subsection”;

10 (4) in subsection (f)—

11 (A) in paragraph (1), by striking “sub-
12 sections (b) and” and inserting “subsection”;

13 (B) in paragraph (2), by striking “in ex-
14 cess of the amounts collected for forest botan-
15 ical products during fiscal year 1999”;

16 (C) in paragraph (3), by striking “charges
17 and fees collected at that unit under the pilot
18 program to pay for” and all that follows
19 through the period at the end and inserting
20 “fees collected at that unit under subsection (c)
21 to pay for the costs of conducting inventories of
22 forest botanical products, determining sustain-
23 able levels of harvest, monitoring and assessing
24 the impacts of harvest levels and methods, con-
25 ducting restoration activities, including any nec-

1 essary vegetation, and covering costs of the De-
2 partment of Agriculture described in subsection
3 (c)(1).”; and

4 (D) in paragraph (4), by striking “sub-
5 sections (b) and” and inserting “subsection”;
6 (5) in subsection (g)—

7 (A) by striking “charges and fees under
8 subsections (b) and” and inserting “fees under
9 subsection”; and

10 (B) by striking “subsections (b) and” the
11 second place it appears and inserting “sub-
12 section”; and

13 (6) in subsection (h), by striking paragraph (1)

14 and inserting the following new paragraph (1):

15 “(1) COLLECTION OF FEES.—The Secretary of
16 Agriculture may collect fees under the authority of
17 subsection (c) until September 30, 2009.”.

18 SEC. 335. None of the funds in this Act can be used
19 to initiate any new competitive sourcing studies.

20 SEC. 336. None of the funds made available by this
21 Act may be used for the implementation of a competitive
22 sourcing study at the Midwest Archaeological Center in
23 Lincoln, Nebraska, or the Southeast Archaeological Cen-
24 ter in Florida.

1 SEC. 337. None of the funds made available by this
2 Act may be used to implement amendments to Bureau of
3 Land Management regulations on Recordable Disclaimers
4 of Interest in Land (subpart 1864 of part 1860 of title
5 43, Code of Federal Regulations) as adopted on January
6 6, 2003, with regard to any lands within a designated Na-
7 tional Monument, Wilderness Study Area, National Park
8 System unit, National Wildlife Refuge System unit, or
9 lands within the National Wilderness Preservation Sys-
10 tem.

11 This Act may be cited as the “Department of the In-
12 terior and Related Agencies Appropriations Act, 2004”.

Passed the House of Representatives July 17, 2003.

Attest:

Clerk.